

Law Enforcement News

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Chiefs see problems with drugs

Poll says drugs are a problem — so is the drug war

More than half of the police chiefs polled in a nationwide survey about the war on drugs believe narcotics are a "serious problem" in their communities that has gotten worse in the past five years, yet a solid majority also stated that the current approach to fighting drugs needs a "fundamental overhaul."

The poll of approximately 300 chiefs, which was conducted by Peter D. Hart Research Associates for the Police Foundation and Drug Strategies, a Washington, D.C.-based organization that advocates a more balanced approach to fighting drugs, shows that about 60 percent of the chiefs believe that current anti-drug efforts by law enforcement have been unsuccessful, while 85 percent of those polled said major changes are needed in the effort against drugs.

However, 90 percent stressed that decriminalization of drugs would be a step in the wrong direction, according to the survey, which was released April 9. Close to half, or 47 percent, of the chiefs believe education is the most effective approach to the drug problem, while 28 percent regard interdiction of drug supplies as the most effective strategy.

"Police chiefs want to see a balanced approach," said Hubert Williams, the president of

"Police chiefs want to see a balanced approach. They recognize that a narrow strategy directed down a single corridor will not work."

— Police Foundation president
Hubert Williams

only somewhat effective and are not a viable solution — a finding that Drug Strategies spokeswoman Sarah Duffy said flies in the face of "get-tough" approaches against criminals that have been widely supported by the public in recent years.

"That was interesting because mandatory minimums are such a hot political item these days," she told Law Enforcement News. "Everyone's touting them as the solution to the crime problem, but police chiefs don't agree."

Five-nine percent of the chiefs said placing drug users in court-supervised treatment programs is more effective than sentencing them to jail or prison. The survey also found that more than two-thirds believe funding for such programs should not be curtailed.

Police chiefs in large and medium-sized cities were more likely to view drug use as a public health problem that is better handled through prevention and treatment programs, while small-town chiefs tended to regard it as a crime problem best handled by the criminal justice system.

More than one-third of the chiefs indicated that the problem is too complex to be addressed

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the Police Foundation. "They recognize that a narrow strategy directed down a single corridor will not work. They know that treatment alone will not work, they know that enforcement alone will not work. They want to put them together; they want a balanced approach."

Only 15 percent of the chiefs agreed that punishment is more effective than interdiction, treatment or education. Twenty-eight percent regard low convictions rates of dealers and users as an impediment to their anti-drugs efforts. But nearly three-fourths said that mandatory minimum sentences for drug offenses have been

Controlling the "adrenaline rush": How a video beating could have been avoided

The recent beating of two illegal immigrants by California sheriffs' deputies following a high-speed chase might have been avoided, according to an expert on use of force and pursuit policies, if the suspects had been apprehended by officers other than those in the lead pursuit vehicle.

Geoffrey Alpert, a professor of criminology at the University of South Carolina, said officers chasing suspects experience an "adrenaline high" — or what he termed the "pucker factor" in a recent study for the National Institute of Justice — that can lead to officers using excessive force once they catch up to fleeing suspects.

"One of our recommendations in the NIJ report was to have someone other than the pursuit vehicle make the physical custodial arrest if possible," Alpert told Law Enforcement News. "It's better to have the lead officer go punch a punching bag than it is to go

punch a suspect on the ground."

The April 1 incident, in which two Riverside County sheriff's deputies clubbed two unresisting Mexicans with nightsticks, was videotaped by a television news crew hovering overhead in a helicopter, sparking comparisons to the infamous Rodney King beating in 1991, which also was videotaped. The beatings occurred following an 80-mile chase during which speeds reached 100 mph.

The suspect vehicle, a battered pickup truck crammed with up to 21 suspected illegal aliens from Mexico, was first spotted by U.S. Border Patrol officers traveling along a side road adjacent to Interstate 15, which runs through the

Border Patrol checkpoint at Temecula. Border Patrol officers, suspecting that the truck was trying to avoid the checkpoint, initially gave chase, but stopped when it appeared that continuing the pursuit could endanger themselves and others.

They radioed the Riverside County Sheriff's Department, which took up the chase as the pickup truck moved north on the Interstate and then west on the Pomona Freeway. During the chase, occupants of the truck reportedly hurled beer cans and pieces of metal from the truck bed. The vehicle also sideswiped at least two other cars during the chase.

In South El Monte, about 20 miles east of downtown Los Angeles, the

truck came to a halt along the freeway and most of the passengers in back jumped out and began running for cover. It was then that a man and woman who had been riding in the vehicle's cab were beaten for about 15 seconds.

The videotape appears to show that the pair, later identified as Andrian Flores Martinez and Leticia Gonzalez-Gonzalez, offered no resistance to the deputies, Donald Franklin and Tracy Watson. They have since been placed on paid leave pending the outcome of an investigation by the Sheriff's Department.

The incident drew an official condemnation from the Mexican Government.

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LAPD spices things up with a little Mexican flavor

Los Angeles police officials are hoping that a little Spanish — and a brief immersion in Mexican culture during a trip south of the border — will go a long way toward easing tensions between the city's black and Latino residents.

In December, 19 community relations officers who work in the Police Department's South Bureau traveled to Guadalajara, Mexico, for a 10-day crash course in Spanish language and culture. The goal of the experimental program is to get officers sufficiently fluent in Spanish so that they can communicate with Latino residents and

mediate disputes between newcomers and long-time residents before they reach the combustion point.

But the program is also meant to forge trusting bonds between police and their Latino constituents, said Deputy Chief Mark Kroeker, who came up with the idea about two years ago. "Ethnic communities and the police have grown distrustful of each other," noted Kroeker, who accompanied the community relations officers on the trip.

Nowhere is that more apparent than in traditionally black neighborhoods of Los Angeles, where some residents

resent the influx of immigrants from Mexico and Central America. Spanish-speaking immigrants, meanwhile, are often distrustful of police, who in turn, are often unaware of Latino customs.

"Officers learn enough Spanish in the [Police] Academy to give basic commands" to suspects, Kroeker told The Los Angeles Times last month. "We also need to be able to say, 'How's your family?' or 'How's work?'"

Officers who participated in the program attended three months of weekly language and culture classes

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What They Are Saying:

"It's better to have the lead officer go punch a punching bag than it is to go punch a suspect on the ground."

— Geoffrey Alpert, a University of South Carolina criminologist, analyzing the role of the "adrenaline rush" in the latest videotaped police beating in Southern California. (1:2)

Around the Nation

Northeast



CONNECTICUT — The Overlook section of Waterbury is the first in the state to set up a one-person police station in a 7-11 store. The mini-office consists of a podium with crime prevention handouts and a telephone. Police can stop by the center at any time to fill out reports, make copies or use the phone.

DISTRICT OF COLUMBIA — In a partnership between the District police, McDonald's restaurants and Bell Atlantic, police officers, no matter what agency they work for, will have access to a telephone with a separate dedicated line at each of the city's 33 McDonald's. The partnership will also provide officers with a place to work and a file box to store blank reports.

Mohinder I. Singh, a tax accountant whose services were widely popular with District police officers, has been indicted on charges of preparing false returns for clients by lying about their income and inventing deductions. Singh, 55, and Derrick Washington, 42, his office manager at Professional Tax Service, allegedly urged officers to lie to the IRS about their returns and submit bogus receipts. The indictment handed down in early April names at least seven current and former police officers whose tax returns were allegedly false. The officers, none of whom has been charged with any wrongdoing, will be witnesses in the Government's case.

MARYLAND — In what appears to be the first case of its kind, Federal prosecutors in Baltimore are trying to seize the 117,705 frequent-flier miles accumulated by a convicted marijuana smuggler in the course of a busting drug business. Robert Michael Pate's miles, prosecutors said, could be turned in plane tickets and used to help law-enforcement agencies track down other drug traffickers.

Residents of Bowie, one of Prince George's County's safest communities, have voted against creating their own police force. Mayor Gary G. Allen said voters rejected the proposal April 2 because they feared it would lead to a reduction in police service from the county, whose officers now patrol the city, and would create increased local bureaucracy.

St. Mary's County Sheriff Richard J. Voorhaar said earlier this month that his 74-deputy department will not be able to provide adequate public safety to a growing population. Voorhaar had asked the county's Board of Commissioners for 11 new deputies, but the board voted to give him just six and increased his budget by just \$560,000, rather than the \$2.5 million Voorhaar had requested. The county's population is expected to increase by as much as 10,000 in the next five years, much of it due to a planned expansion of the Patuxent River Naval Air Station.

Over the objections of local legislators, children's advocates and residents, the boot camp program at Doncaster closed its doors March 29 due to budget cuts. State officials said they

could serve more troubled youngsters at a lower cost by diverting the \$2.7 million spent annually on the boot camp program.

MASSACHUSETTS — State Trooper Thomas A. Downs, 40, was charged March 19 with attempted murder, assault and battery with a dangerous weapon in an attack on a sometime girlfriend, Deborah Ewings, 26, of Cambridge.

An application by a Shirley police officer for a disability pension that would give him 72 percent of his \$34,000 salary is being given a further review by the Middlesex County Retirement Board. Officer James Mickel was shot in the chest by an escaped prisoner in April 1994. Although he returned to work four months after the incident, he couldn't make it through his first shift. Police Chief Paul G. Thibodeau is pushing for Mickel's early retirement because it would allow the Police Department to hire a full-time replacement. Mickel received an \$85,000 settlement after successfully arguing that the prisoner's escape could have been prevented.

NEW YORK — Bronx District Attorney Robert Johnson filed a lawsuit April 18 challenging Gov. George Pataki's decision to remove him from a case involving the killing of a New York City police officer because of Johnson's misgivings about the death penalty. Pataki assigned the case to state Attorney General Dennis Vacco, an ardent supporter of the death penalty. [See LEN, April 15, 1996.]

A Hicksville postal worker was charged April 7 with murdering two prostitutes whose dismembered bodies were found in Suffolk County in 1994 and 1995. Robert Shulman, 42, said he has picked up hundreds of prostitutes over the past 10 years and has confessed to murdering ten of them. Shulman has also been linked to two prostitutes found dismembered in Yonkers and in Brooklyn. Lieut. John Giersch, commander of the Suffolk County homicide squad, said Shulman's brother Barry is suspected of "some complicity" in the disposal of the bodies.

New York City's Gay Officers Action League is suing the Police Department, claiming that the group was discriminated against when it was denied permission for a ceremony and display at police headquarters to honor gay officers. The suit also accuses the department of not allowing GOAL to use a department van during last year's Gay and Lesbian Pride Parade and not allowing the department's marching band to participate in the event.

A report issued April 9 by the New York City Council's Public Safety Committee found that police response time to crimes in progress was up to three minutes longer in parts of Staten Island and Queens than it was in other parts of the city. The highest average response time was found in the sprawling 122nd Precinct in Staten Island, which clocked in at 10 minutes and 54 seconds. The citywide average was about eight minutes.

The state's highest court ruled April 4 that prisoners freed on probation cannot be forced to wear monitoring devices simply to protect the public. By a vote of 4-3, the Court of Appeals

held that a Dutchess County judge could not force a repeat drunken driver to wear an electronic device unless the requirement could be demonstrated to have a "fundamentally rehabilitative" purpose.

VERMONT — Rutland Police Chief Robert Holmes admitted March 26 that he "probably exaggerated" the extent of local gang activity when he gave local schools statistics to use in a grant application.

The U.S. Court of Appeals for the Second Circuit on March 15 reversed a decision that had invalidated the Brady Law provision that requires local law enforcement agencies to conduct background checks on prospective handgun buyers. Orange County Sheriff Samuel Frank had challenged the law in 1994 on grounds that the Federal Government could not require local entities to perform the checks. Last year, a U.S. District Court judge ruled that the Brady Law violated the 10th Amendment to the Constitution.

Southeast



ARKANSAS — Erich Silvestain, 28, was ordered held without bond April 8 in connection with a murder-for-hire scheme that officials say targeted the sheriffs of Benton and Washington counties.

FLORIDA — A computer glitch is being blamed after the Florida Department of Law Enforcement reported an 811-percent increase in crime in Hialeah. Police spokesman Carlos Hernandez-Adan said that in fact, Hialeah's crime rate has decreased over the past 10 years, from 87.8 crimes per 1,000 residents to 76.2 crimes in 1995, and remains well below the Dade County average.

Miami police on March 27 found a fourth body, burned and beaten, that they believe may have been the work of a serial killer who preys on homeless black women who are addicted to crack. Investigators have yet to identify the latest body, which was the first of the four victims to be found inside a building, and thereby offers a better chance at recovering microscopic physical evidence.

GEORGIA — Former DeKalb County Commissioner Robert J. Morris was elected county sheriff March 26, beating retired Atlanta police officer Sidney Dorsey in a special, nonpartisan runoff election. He replaces longtime Sheriff Pat Jarvis, who resigned last fall to head the state Criminal Justice Coordinating Council.

State lawmakers passed a bill March 19 that repeals life sentences for second-time drug offenders and instead gives judges the option to impose 10- to 40-year terms or life in prison. The bill also adds methamphetamine and amphetamines to the list of drugs eligible for second-offender penalties, along with heroin, cocaine, LSD, opium and morphine.

Atlanta Police Officer A.E. Smith has been charged with aggravated battery

for critically wounding Richard L. Frazier, 42, a school teacher who was an acquaintance of Smith's. As a result of the March 25 incident, which was described as a "domestic dispute," Frazier lost a kidney, his spleen, part of his liver, and remains comatose. According to City Solicitor Raines Carter, Smith shot Frazier because he thought Frazier was having an affair with his estranged wife, Linda. Linda Smith obtained a restraining order against her husband March 14 after he allegedly tried to choke her, said her attorney, who added that Mrs. Smith is in hiding out of fear of her husband.

Despite an enhanced 911 system, Fulton County officials have learned that the technology is only as good as its dispatchers, after it took firefighters 20 minutes earlier this month to find the location of a blazing house. The increased use of cellular phones is creating problems for the system, said officials, since there is no computer readout of the caller's location.

Griffin Police Officer Robert Gehricke has appealed his firing last month for refusing to take a squirt of pepper spray in the face during a training exercise. Police Chief Armand Chapeau contends that officers need to know how to use the spray, and part of the training is getting a blast of it. In addition, Chapeau said he needs the authority to fire officers who refuse to obey orders.

LOUISIANA — A poll conducted by The New Orleans Times-Picayune has found that 49 percent of the state's voters oppose Gov. Mike Foster's plan to allow law-abiding citizens to carry concealed weapons. Forty percent of the people polled said they were favored the idea.

New Orleans Mayor Marc Morial has signed an ordinance that essentially outlaws panhandling without a license. Violators could face up to six months in jail, a \$500 fine, or community service. The American Civil Liberties Union of Louisiana said that the ban is probably unconstitutional.

The Louisiana State Troopers Association last month decided to discontinue telephone fundraising solicitations, even though the practice has brought in \$150,000 to \$200,000 a year. People have become increasingly unhappy with telemarketing, said retired State Police Captain Bill Spencer, and there have been fraud problems with people calling and saying they are raising money for the troopers' group when, in fact, they are not. The association, Spencer said, will switch to direct mail and other fund-raising methods.

MISSISSIPPI — An estimated 5,000 firearms seized by Jackson police from criminals in recent years may be handed over to smaller police departments that need them. Police Chief Robert Johnson said, however, that his agency still plans to melt down the weapons that are not appropriate for law enforcement.

SOUTH CAROLINA — In a 10-year period, the state has paid \$754,000 to settle claims of brutality, false arrest and civil rights violations made against state troopers, according to a report in The State newspaper earlier this month.

Midwest



ILLINOIS — A Federal crackdown on the Gangster Disciples drug gang is being blamed for a rash of street slayings in Chicago. There have been 10 killings since March 6, when a Federal jury convicted eight gang members.

Chicago police are said to be concerned that a new school program intended to teach juveniles their rights under the law will actually undermine authority and encourage delinquents to look for loopholes. The "street law" project, sponsored by the Southwest Youth Collaborative, a nonprofit advocacy group, has been conducting a series of Know Your Rights workshops for children as young as 10. The main message the program tries to get across is that children have the same right to remain silent as adults do. Police say that the information, if not properly presented, could give youngsters the wrong impression and lead to more serious situations.

A fugitive on the run for 26 years is fighting extradition to Pennsylvania, where he faces charges of murdering a police sergeant during a militant group's attack on a Philadelphia police station in 1970. The fugitive, Richard Bernard Thomas, has since changed his name to Melvin Taylor and has been living quietly as a house painter in the Chicago suburb of Maywood. Police contend that Thomas, a former member of the now-defunct Black Unity Council, burst into the Cobbs Creek Park police station and shot Sgt. Frank R. VanCollin five times in the back. Five other members of the group are serving life sentences in Pennsylvania.

Former Orland Park Police officer John Baughman, 54, was sentenced to death April 4 following his conviction for pushing his wife off a hotel roof. In 1985, Baughman was acquitted of killing his first wife.

OHIO — The state Supreme Court's domestic violence task force held a hearing in April on a plan to require court, law enforcement and social service workers to undergo domestic violence training.

Without explanation, a Federal judge in Columbus on April 2 rejected a guilty plea from a man who ordered bubonic plague bacteria through the mail. Larry Harris, 44, of Lancaster, then withdrew his plea and will now go to trial May 28.

WEST VIRGINIA — State Police Lieut. Matt Turner and retired trooper Wayne Childress were killed in a helicopter crash April 4. The cause of the crash was not immediately known.

Ground was broken near Holden April 3 for a new \$13-million Southwestern Regional Jail that will hold 200 prisoners from four counties when it is completed in 1998. The jail is one of 10 regional facilities planned, officials said.

WISCONSIN — Under a new law, the subjects of domestic abuse injunctions must surrender their handguns to authorities, but officials say the law is no

guarantee of safety from violence since authorities cannot search homes.



IOWA — Dorman Weaver, who pleaded guilty to attempted murder in the shooting of Urbandale Police Officer Dennis Vinson last November, was sentenced March 26 to 35 years in prison.

MINNESOTA — The state Court of Appeals on April 8 rejected a claim by convicted drug dealer Wayne Carter that a police officer violated his privacy when he peeked through a window and saw him packaging cocaine.

The Minneapolis City Council is considering a \$30,000 damage settlement to a man who was beaten by police during a 1994 drug raid. Wayne Thomas Skeesick was apparently working on the plumbing when police burst into the apartment. No drugs were found in the raid, and no charges brought. Skeesick said he suffered two broken ribs and a punctured lung.

NEBRASKA — The Omaha City Council voted 6-1 March 19 to award a \$48,000 contract to a Gretna man to provide the city with six police dogs. The contract, which will be paid out of the Police Department's seized-asset fund, will also cover handling equipment and eight weeks of training for six officers and one supervisor. The department's new K-9 unit is expected to begin patrolling this summer.

Douglas County and the City of Omaha agreed March 19 to merge their 911 operations and house them at a new \$4-million sheriff's headquarters to be built at a west Omaha site. The 5-2 vote ended a stalemate over whether to merge, where to locate a consolidated facility, and its effect on employees. The new building is being financed through a bond issue.

NORTH DAKOTA — Waterford City Police Officer Keith Braddock was shot and killed March 20 as he responded to a shooting incident in a bar. Witnesses said Robert Mead Jr., 41, complained loudly about the poor quality of the beer at the bar, then left and returned later with two rifles and opened fire. Mead took two other men hostage and kept police at bay for nine hours before he walked out unarmed.

SOUTH DAKOTA — A coalition of Rapid City community leaders in such areas as law enforcement, youth services and education has launched an anti-violence initiative known as SAVE Rapid City. SAVE, which stands for Stand Against a Violent Environment, has already begun training volunteers to facilitate action groups and small, informal neighborhood meetings.



COLORADO — Greeley officials said April 2 that the city had agreed to a

\$225,000 settlement with a man who was shot seven times by police in 1993. Officials said the amount was an "insurance policy" since the man, Juan Pablo Rocha-Gallegos, had originally asked for \$1.2 million. Rocha-Gallegos, a local ranch hand, was not charged in connection with the massive drug raid that initiated the incident. He maintains that when police executed a no-knock search warrant on his trailer and burst in, he was lying in bed and did not touch the gun that was lying on a nearby dresser. Two Federal investigations found no wrongdoing by police and the settlement states that there is no admission of liability by police. The raid, the largest ever in Weld County, netted 16 arrests.

A man who was shot seven times by off-duty Denver police officers outside a nightclub March 20 had a blood-alcohol level that was nearly twice the legal limit, according to an autopsy report. Officers Kenneth Chavez and Andy Clarry were working at the club when the incident occurred in the early morning hours in a parking lot. Jeff Truax, 25, and his friends were involved in a fight and trying to get away when Truax backed his car into Clarry, according to police accounts. The officers then opened fire, killing Truax and wounding another man. Chavez was involved in another shooting incident in 1980, just over a year after he joined the force. He was cleared of any wrongdoing in that case.

A woman who claimed she was raped by a Denver patrol officer will receive \$75,000 from the city to settle her 1985 suit. The officer, James "Buster" Snider, was fired from the force nearly 12 years ago after admitting to having sex with the woman in his cruiser in 1984. According to the victim, Snider drove up as she was being given a sobriety test by another officer. Snider persuaded the officer not to give her a ticket, she said, but instead of following her home, he pulled her over again himself and raped her in his patrol car. He then drove around with her until he was off-duty, when he raped her again. Snider was acquitted of second-degree sexual assault.

NEW MEXICO — A judge issued a temporary restraining order April 4 preventing Springer Mayor Danny Cruz from firing Police Chief Ed Martin. Cruz wants to promote Officer Tony Aguirre to the post.

Loving Mayor Miranda Darcy's firing of Police Chief Randy Martinez was overturned April 8 by the Village Council.

OKLAHOMA — Defense attorneys for Willie Ray Lampley, 65, whose trial for allegedly plotting a series of bombings began hearing testimony April 2, claim that any bomb conspiracy came at the urging of a Government informant. Federal agents found guns and bomb-making materials at Lampley's Vernon home. Prosecutors claim that Lampley, who is accused along with his wife, Cecilia, and John Dale Baird, traveled to South Dakota to obtain support for his plot from a militia group there.

TEXAS — Hans Marticic, president of the Houston Police Officers Association, last month asked that officers issue more warnings and write fewer

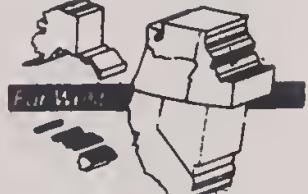
traffic tickets for minor traffic offenses during the month of April. The pressure on officers to write tickets, said Marticic, amounts to an illegal quota system. Police Chief Sam Nuchia warned that officers' job evaluations will suffer if fewer tickets are written. Among the reasons Marticic gave for his recommendation are that the tickets disproportionately affect the city's poor, taking money from those who can least afford it.

Nassau Bay Patrolman Henry Hughes III was restored to active duty April 3 after being cleared of mistreating former astronaut Mae Jemison during a traffic stop.

Three Lubbock men were sentenced to life in prison April 5 for killing a black man and wounding two others in what prosecutors called a hunting trip to start a race war. The men, Eli Trevino Mungia, 21, Ricky Rivera Mungia, 25, and Roy Ray Martin, 20, lured black men to their car, said prosecutors, and then shot them with shotguns. Investigators seized a photograph of Adolf Hitler, a swastika, and a Nazi flag from Martin's residence. The three were convicted last November on civil rights and gun charges.

The Gregg County district attorney reportedly will decide whether or not to charge Sheriff Bobby Weaver with drunken driving. Weaver was stopped April 5, but allowed to go home after refusing to take a Breathalyzer test.

UTAH — Ogden Police Officer Norman Hall was the unwitting victim of a cloning last month. As he drove to Salt Lake City for a seminar, Hall's cellular phone was targeted by a "cloner" who used a scanner to record the unit's electronic serial number and phone number. Hall said he didn't realize that he had been stung until his chief demanded to know why his phone bill had jumped from about \$25 a month to \$2,600. While Hall's phone was quickly disconnected and reprogrammed, he lost several months' worth of contacts he had made on his community policing beat because the number he had given out was no longer good.



CALIFORNIA — Oxnard Police Officer Jim Jensen was shot and killed by a fellow officer last month during a SWAT team drug raid. Jensen had thrown a smoke grenade into the condominium they were raiding, and in the ensuing smoke and confusion was accidentally shot by his friend and mentor, Sgt. Daniel Christian.

The Justice Department's Office of Community Oriented Policing Services will fund all 85 Los Angeles police officers who graduated on April 12 from the Police Academy.

Los Angeles City Attorney James K. Hahn's domestic violence unit is selectively deploying a new tactic to get tough on spouse abusers whose violent acts occur in front of children. In one of the first convictions under the new approach, Leonel Gomez, 27, who

had pleaded no contest to spousal battery, was sentenced to an unusually long 420 days in jail after prosecutors tacked on an additional charge of inflicting "unjustifiable mental suffering" on his daughter due to the assault she was forced to watch. Gomez attacked his wife and threatened to stab her in the neck with a pencil in front of their 9-year-old daughter.

A Los Angeles civic association is footing the bill for a new Police Department drop-in facility in Venice. The 280-square-foot office will allow officers to meet with residents, make phone calls and do paperwork without having to leave the area and make the 20-minute drive back to headquarters.

The Los Angeles City Council has agreed to a \$3.5 million settlement with Clarence Watson, who was shot and paralyzed after pointing a gun at police.

Los Angeles detectives Andrew Teague and Charles Markel, who had been accused of fabricating evidence in a murder case, were cleared of all but minor charges April 9.

After an eight-year legal battle, the City of Los Angeles finally settled a case last month involving a photograph of an undercover Federal agent. On St. Patrick's Day in 1988, photographer Terence Mulgannon had snapped a picture of Special Agent Bill Queen of the Bureau of Alcohol, Tobacco and Firearms while Queen was working undercover on a drugs and gun case. Queen asked that Mulgannon expose the roll of film, which he did, but Mulgannon sued, accusing the Los Angeles Police Department of violating his free-speech rights, depriving him of property without due process and subjecting him to illegal search and seizure. Finally, after a jury verdict in his favor, a judge's dismissal of the case, and two appellate court reversals,

sals, Mulgannon accepted a \$10,000 settlement on the eve of what would have been the third trial of the lawsuit.

HAWAII — The Honolulu Police Department is awaiting City Council approval for the purchase of five more laser speed-detection guns, which cost \$4,200 each.

IDAHO — Former Lieut. Cameron Hershaw, the last of three high-ranking officers fired by Latah County Sheriff Joe Overstreet when he took office in 1993, will receive approximately \$45,000 in a settlement with the county's insurance company. Hershaw, Chip Whitley and former Lieut. Thomas Blewett were all axed when Overstreet brought in his own management team, saying that the lieutenants serve at the will of the sheriff. Hershaw is now a captain with the Moscow Police Department.

OREGON — Bureau of Alcohol, Tobacco, and Firearms agents on April 8 removed 1,400 pounds of explosives from the property of a Mosier man, Ray Hamblin, who said he wanted to protect his family from a police state

WASHINGTON — Gov. Mike Lowry signed legislation March 31 that will send two-time convicted rapists to prison for life.

The family of Edward Anderson, who was shot and killed Jan. 15 while being pursued by a Seattle police officer, last month filed a \$1.5-million wrongful-death suit against the city. Anderson was struck in the neck with a single bullet that severed his spinal cord. Officer William Edwards has testified that his Glock semiautomatic pistol went off while he was pointing the weapon at Anderson, instructing him not to move. A Firearms Review Board and an inquest jury have both concluded that the shooting was accidental.

Dirty deeds plague NYC's new E-911 grid

Callers to New York City Police Department headquarters earlier this month were greeted with a message telling them that cops were too busy eating donuts, drinking coffee and masturbating to come to the phone.

The incident was the latest in a series of offenses, large and small, that have plagued the department's new communications system.

The message, believed to be the work of computer hackers who cracked the telephone system's access code and changed the recording, ran from 6 P.M. April 17 until roughly 6 A.M. the following day, according to The New York Post. The message also gave the emergency 911 number out erroneously as 119.

"Yo, this is Mr. Purple," said the message, followed by hellos to three people identified by nicknames. "You have reached the New York City Police Department. For any real emergencies, dial 119. Anyone else - we're a little busy right now eating some donuts and having coffee." Another voice can then be heard interjecting: "A big cup of coffee. And masturbating."

The incident led to the transfer of Capt. John Stoker, a 31-year veteran

who had headed the department's communications section for the past two years. Stoker, who was transferred to the Manhattan North Patrol Borough, is the third official in the communications division to be transferred in recent months after apparent acts of sabotage or vandalism.

Police Department officials have ordered that the emergency phone lines be manned around-the-clock, since the bogus message appeared to have been planted after normal working hours.

On April 3, the department's new, \$156 million, enhanced 911 system crashed for more than 40 minutes during the late afternoon, delaying help to more than 1,000 emergency callers. Sgt. Edward Orski, a department spokesman, described the problem as "a system failure" in a 25-year-old computer unrelated to the E-911.

Some 2,000 calls were handled, Orski said, with 175 of them experiencing delays of more than 30 seconds.

And in March, a tape that records communications between 911 dispatchers and transit officers was cut and the ends tied in knots, leaving no backup recording for dispatchers to confirm locations.

Pain & more pain

Tragedy hammered a New York City police family for the second time in just two months April 25, when a respected deputy inspector and his youngest son lost their lives in a fire that destroyed their home. His wife, a police captain, had previously succumbed to cancer.

The early morning blaze that took the life of Deputy Inspector John Fahy, 51, who was commander of the Police Department's 63rd Precinct, and his 6-year-old son James, left his two other children orphaned. John, 12, and Megan, 5, were rescued from the burning two-story house by two off-duty firefighters who lived across the street in the Breezy Point section of Queens.

The fire came just two months after Fahy's wife, Margaret, who was executive officer of the 94th Precinct in Brooklyn, died of cancer at the age of 46. The couple had made department history on Nov. 22, 1989, when they became the first husband and wife ever promoted to captain on the same day.

The tragedy devastated officers at the 63rd Precinct, who had rallied around Fahy during his wife's illness and stood beside him as he laid her to rest. "We just went through this with his wife, and for everyone in the precinct, his pain was our pain," said Officer Sandra Cooper, who had just received a "Cop of the Month" award from Fahy for helping deliver a baby while on duty. "Then two months later for him to be gone, too—it's just overwhelming," she told The New York Times.

Fire Department investigators said the apparently accidental blaze started in the kitchen and quickly swept through the house. John and Megan were at a second-story balcony calling for help when they were spotted by neighbors—Firefighter Richard Steffans and fire Lieut. Michael Thompson—who grabbed a ladder and helped them escape.

Thompson then entered the home to look for other family members but was turned away by the intense heat and smoke. Fahy's body was later found on the first floor and his son's body was discovered in a bedroom.

Inspector Fahy, a New York City native whose family includes over a dozen current or former police offi-

cers, joined the NYPD in 1969 and was first assigned to the 63rd Precinct that he would eventually lead. In 1981, after having served in several other precincts, Fahy, then a sergeant, became an instructor at the Police Academy. There, he met his future wife, who was also an academy instructor.

While his wife's death left a deep void in Fahy's life, friends said he was successfully making the transition to single parenthood and was always there for his children. They recalled a man who was highly respected by both his fellow officers and the community he served. "He was a great person, a wonderful family man and a superior police executive," said Assistant Chief Michael Scagnelli. "He brought great morale wherever he worked. He was a person that everyone loved—from cops on the heat to the bosses."

Fahy's colleagues have set up a fund for his surviving children, who are now living with relatives. Contact: The John and Megan Fahy Relief Fund, c/o NYPD-63rd Precinct, 1844 Brooklyn Ave., Brooklyn, N.Y., 11210.]

Super model

The police chief for a Georgia school system that has developed model violence-prevention and reduction efforts was named Law Enforcement Officer of the Year by the National Rifle Association this month.

Michael Dorn, a 16-year law enforcement veteran who has been chief of the Bibb County Public Schools Police Department since 1989, was cited for his "outstanding service in the highest traditions of American policing" at the NRA's annual meeting in Dallas on April 19.

In a statement, the NRA said the award was given to Dorn in recognition of his efforts to prevent accidents involving guns and children, teach children about gun safety and reduce the number of weapons brought to school campuses. The group said Dorn had introduced over 20,000 to its Eddie Eagle Gun Safety Program.

The NRA also noted that the 18-officer agency, which serves 25,000 students at 42 Bibb County schools, has become a model for others seeking to eliminate violence in schools. The

Unconventional kudos

PERF hails Harvard program. Fla. chief

In an unprecedented tip of its hat, the Police Executive Research Forum this month presented its annual Leadership Award not to an individual but to the Program in Criminal Justice Policy and Management at Harvard University's John F. Kennedy School of Government, one of the most prestigious programs of its kind in the nation.

PERF's 1996 Gary P. Hayes Award, which recognizes innovation and creativity, likewise went to an unusual recipient: a police chief who has built his department literally from the ground up. Police Chief Michael S. Scott, who has overseen the development of the Lauderhill, Fla., Police Department since it was formed in May 1994, received the during PERF's annual meeting held in San Francisco from April 24-27. Also on hand were the principals of the Harvard criminal justice program, Professor Mark Moore, the program's faculty chairman, and Frank Hartmann, its executive director and senior research fellow.

The program received the Leadership Award "because of the tremendous positive impact it has had on police leadership over the years," said PERF president William J. Bratton, the former New York City police commissioner. One of the program's best-known activities is its Executive Session on Policing, during which formal working groups of high-level

police practitioners and academicians come together to examine and develop solutions to substantive policy issues as well as help organizations in positioning themselves to confront and solve problems they face.

"By convening executive sessions, conducting valuable research and educating high-quality criminal justice researchers, this program has participated in professionalizing and improving police management and practices," Bratton noted.

The program and its faculty, which includes noted criminologists and criminal justice experts such as George Kelling, David Kennedy, Mark Kleiman, Susan Michaelson, Anne Piehl and Malcolm Sparrow, have produced numerous books, articles and research projects that have contributed to more effective policing, PERF officials said. They also have participated in PERF's Senior Management Institute for Police, an intensive three-week curriculum that applies private-sector management principles to police work.

"The relationship between PERF and the Program in Criminal Justice Policy and Management has evolved into one of mutual respect and collaboration," said Chuck Wexler, PERF's executive director. "The program has made valuable contributions not just to PERF, but to the entire police field."

The Hayes award was given to Scott for what Wexler described as his "unlimited energy for and commitment to

implementing innovative, more effective police practices." Scott's selection, he added, "captured the essence of the Hayes award—innovation, creativity and risk-taking."

Scott, who earned a law degree from the Harvard Law School, became chief of the Lauderhill Police Department shortly after it was created in May 1994. Charged by city officials with imbuing the agency with the concepts of community- and problem-oriented policing, Scott instituted a nearly flat command structure designed to give more decision-making authority to line officers. All systems and hiring decisions—from the personnel selection process to information systems—were designed to facilitate the problem-oriented approach, which focuses on long-term problem solving and community partnerships.

Scott, the author of numerous books and articles, including three PERF publications, has had a varied law enforcement career. He served as a special assistant to the police chief in St. Louis; director of administration for the Fort Pierce, Fla., Police Department; senior researcher for PERF; and legal assistant to the New York City police commissioner. Scott has also conducted research with Herman Goldstein, the University of Wisconsin professor who is acknowledged as the creator of problem-oriented policing.

agency has provided free consultations to more than 50 school systems and police departments nationwide and has trained more than 1,000 educators and law enforcement officers in making safety improvements at schools.

Drawing raves

You may not recognize her name, but her faces—Theodore Kaczynski, Richard Allen Davis, and John Doe No. 2, among others—should be quite familiar.

The artist who drew these faces, 41-year-old Jeanne Boylen of Bend, Ore., is currently in great demand by law enforcement agencies for her unique knack for drawing out witnesses' memories for faces they may have glanced at just a moment.

"Sometimes I step back and say 'My God, did I do this?'" said Boylen. "It's truly a gift and I feel blessed."

It is Boylen's sketch of Kaczynski, the suspected Unabomber, that now graces T-shirts and mugs. Boylen, who works only with a her sketch pad, pencils, and someone's memory, spent six hours with a woman in Utah who caught just a fleeting glimpse of Kaczynski in 1987.

"It's really important to understand the malleability of eyewitnesses," she said. "In the Unabomber case, we had the added factor of the one and only witness being fully aware of the magnitude of the information she had."

It was to Boylen's benefit, she said,

that an earlier sketch done by a different artist in 1987 bothered the witness, who complained it wasn't quite right. "That enabled her to retain some of her recall," said Boylen.

Having worked on over 7,000 cases, Boylen specializes in dealing with victims who have experienced intense trauma. The FBI called her to Oklahoma City to draw John Doe No. 2 after having no luck with its first sketch.

Boyle also drew the sketch of Davis, the admitted killer of Polly Klaas. An earlier sketch, done by a local Petaluma, Calif. artist working with two 12-year-old victims, produced a drawing that incorrectly gave Davis's height as 6-foot-3, and had him wearing a headband.

Boyle's famous Unabomber sketch, like all her work, is copyrighted, and she is troubled by the way that image is being romanticized on consumer goods. She announced in late April that she wants part of the profits from unauthorized marketing of the sketch to go to children's rights groups.

The rail thing

The Washington, D.C., Metro Transit Police Department's new chief says the system is one of the safest in the nation, but the agency is concerned about the threat of terrorism in the 89-mile subway system.

Chief Barry McDevitt said planners are hoping that military technology being adapted for civilian police

uses will provide an effective means of thwarting would-be terrorists.

"With the world situation the way it is and terrorism, we're very interested in maintaining and keeping this system the safest in the world. This is the most important city in the world as far as we're concerned, so we're very sensitive...and we monitor things occurring around the world very closely," said McDevitt, 44, who was previously the agency's deputy chief before assuming the top spot on April 8. He succeeds Burton E. Morrow, who retired last year after 21 years with the agency, five of them as chief.

McDevitt, who joined the 286-officer agency in 1975, the year before the subway system opened, says his biggest crime problem is vandalism, break-ins and thefts at the transit authority's park-and-ride lots in suburban Virginia and Maryland, which are used by about 30,000 commuters a day.

McDevitt told Law Enforcement News that the agency has redoubled its efforts in the parking lots, deploying "our most experienced officers," plainclothes and K-9 units, and a bike patrol, which allows for a highly visible and mobile police presence.

The Levittown, Pa., native called himself a "big believer in participatory management" who solicits suggestions and solutions to problems from employees at all ranks. "I'm surrounded by officials with a wealth of knowledge who...can make decisions that are necessary on a daily basis. I'm a big believer in giving them the authority to make those decisions themselves. We're very big on teamwork. We don't manage from the top down."

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From the USA's mean streets to those of Bosnia

200 cops join international task force in war-ravaged Balkan nation

As some 200 police officers from around the United States are quickly learning, the war-torn nation of Bosnia is a long way from Greenville, Texas, or Washington, D.C. — in more ways than one.

The officers are in Bosnia as part of a 1,700-member International Police Task Force, whose goal is to teach effective law enforcement methods to local police forces that will enforce the peace accords drawn up in last year.

Among the Americans in the delegation are a Washington, D.C., police officer who has spent 23 years on the mean streets of the nation's capital and a former Greenville, Texas, police officer who says the ravaged Bosnian landscape reminds him of Vietnam.

"It's the destruction all around me, the wanton destruction and the total lack of concern for one's fellow human beings," said David Eliasson, 50, the former Texas lawman who spent several tours in Vietnam as an infantryman. "I had hoped that all of this had been exaggerated by the media, but unfortunately, it hasn't been shown enough. The acts of genocide, the ethnic hatreds and the atrocities that have been committed here have been shocking."

Leslie Porter, a 23-year veteran of the Washington Metropolitan Police Department, is among a group of police officers who arrived in Bosnia in February as part of the United Nations-sponsored task force. To be qualified for the program, participants were asked to have at least eight years in civilian police work as well as military experience.

Porter, 45, a self-described "ghetto black" who has been assigned as the task force's chief investigator in the Muslim enclave of Gorazde, is partnered with James Tillman, a white sheriff's deputy from rural Missouri. They became friends

last year when both participated in a Justice Department-sponsored training program for Haitian police officers in Fort Leonard Wood, Mo.

It's a pairing that the two hope might impress the warring ethnic groups — including Bosnians, Croats and Serbs — whose four years of fighting has devastated the country and scarred its inhabitants physically and psychologically. "Somewhere these people took a wrong turn," Porter told The Washington Post. "I guess our job is to help them get back on track."

It won't be an easy job, admits Porter, whose career has put him in numerous confrontations with danger, including finding himself in the middle of a shootout while patrolling on a police scooter, getting run over by an alleged drug dealer, being slashed across the neck by an escaped mental patient and smashing his cruiser into a lamppost while pursuing a car thief.

Porter said he and the 28 task force members from nine other nations who are assigned to the UN post at Gorazde, where 60,000 residents were besieged by Serbs for over three years, have inadequate equipment, including maps that lead to nowhere and bulletproof jackets that "couldn't stop a spitball." They also work under spartan conditions. Electric power is intermittent and often unavailable, which left Porter and Tillman to spend the first 20 days of their assignment in an unheated apartment with no running water.

The difficulties prompted the pair to coin an adage about their assignment — "God hates me, so he sent me to Bosnia."

The task force is woefully understaffed. Over 110 UN officers were deployed to Gorazde, but only about 30 remain. "Working here is pretty much insanity on a daily basis," Porter said. "I've got a rooster waking me up daily at 5 A.M., and then there's the food. There are just so many ways you can fix

cahbage."

Task force members also must carry out their duties under restrictive guidelines that include having no contact with anyone in Serbian-controlled sectors of the area — which serves up a fresh batch of other problems that complicate their already difficult mission.

Recently, an elderly Serb woman from a nearby Serb-held town committed suicide by throwing herself into the Drina River, where she drowned. The river swept her body into Muslim-controlled Gorazde sector, where it was retrieved by police and buried. But the woman's relatives wanted the body returned, requiring a series of delicate negotiations with police from both sides, made all the more difficult because Porter can deal with Serb officials only through intermediaries.

Despite all this, Porter waxed philosophic about the war that has brought him to Bosnia. "This conflict is almost like sparring with a mirror," he told The Post. "How are you going to knock out the guy in the mirror? You may bloody your hands, you may smash it, but you're still going to have to deal with your own reflection."

Eliasson, whose duties include bringing warring factions together by teaching each side proper police procedures and opening the lines of communications between the various sides, is skeptical that the mission will be accomplished in the year it has been allotted — given the centuries-old atmosphere of hate in the region.

"We are unarmed. All we can do is observe, report what's happening, and try to talk things through peacefully," he told The Houston Chronicle recently. "We have no power to act at all."

Downsizing? Not these guys:

Fed law enforcement is a growth industry

While Federal agencies from the Department of Energy to the Department of Labor are being downsized as the "era of big government" wanes, law enforcement appears to be moving briskly in the opposite direction, with more than 41,000 criminal investigators now working for 32 Federal agencies and a proposed increase of nearly 14 percent in the Justice Department's fiscal 1997 budget.

The explosive growth is starting to attract the attention of members of Congress, even as they approve more spending to fight crime.

"We are throwing money at a problem without being responsible," Senator Ernest F. Hollings (D-S.C.) told The Washington Post. "We have got

to slow down and take a look at where all this money is going."

In the past 16 years, the Justice Department has expanded its work force from 55,000 employees to 94,000, according to a departmental analysis, and its budget has grown by nearly 600 percent. When adjusted for inflation, the increase still comes to nearly 300 percent since 1981. Last year, the Justice Department's budget stood at \$13.7 billion.

The Clinton Administration's fiscal 1997 budget, released March 19, calls for a 13.7-percent increase for DOJ, which would boost its funding to \$18.6 billion.

Both the Justice Department and the Treasury Department, the two pil-

lars of Federal law enforcement, have a plethora of autonomous police agencies under them. The Federal buildup of law enforcement has caused more agencies to be created and increased the size of those already in existence.

Newer and tougher Federal laws, mandatory sentencing and more Federal agents have in turn led to more Federal judges, prosecutors and prison guards, according to budget analysts who have studied this growth.

The Immigration and Naturalization Service is a prime example. Determined to crack down on illegal immigration along the Mexican border, Congress approved the hiring of 800 more Border Patrol agents. The INS, however, was unable to hire and

train 800 agents within a year. Dissatisfied with the result, Congress approved even more hiring.

The House recently approved a bill that will transform the Border Patrol into one of the nation's largest police agencies, with the hiring of 1,000 agents in each of the next five years. That, in turn, will lead to INS having to add more holding cells, more hearing rooms, more lawyers, and more administrative law judges to its own legal system to handle the increase.

Representative Harold Rogers (R-Ky.), chairman of the House Appropriations subcommittee that conducts the most extensive reviews of the Justice Department budget, said, "When you increase the funding for one ele-

ment of law enforcement... you have to increase the funding level for all others, because it truly is a chain."

In addition to the Border Patrol's impact on the INS legal system, the Bureau of Prisons has also had to expand over the past six years, to 30,000 employees. Tougher drug laws and mandatory sentencing have created a pressing need for increase prison facilities, and the Justice Department is asking for \$225 million in 1997 to open five new prisons and create 9,100 new beds.

One of the biggest slices of the pie goes toward domestic drug enforcement. The DEA will spend some \$33 million over the next five years on sophisticated digital equipment that will enable its field agents to greatly expand the use of telephone wiretaps, according to The Washington Post. Another \$5 million will be spent on linguistics experts from the U.S. military to translate the conversations of foreign-born drug dealers that are overheard on the tapes.

During fiscal 1995, \$6.7 billion was spent on domestic drug enforcement, more than \$1.3 billion of it going to the FBI and the DEA. Even some less obvious agencies got a share, with the Bureau of Land Management, the U.S. Forest Service, the National Park Service and the Bureau of Indian Affairs all helping to fight the drug war.

To some members of Congress, increased federalization and an expanding law enforcement sector are simply part of the cost of the war on crime.

"I think we have such a problem in keeping our streets safe that my constituents — correctly, in my judgment — don't ask who's going to solve our problems," said Representative Charles E. Schumer (D-N.Y.). "Rather, who ever solves it, they're going to be grateful."

GAO audit of use-of-force practice spells good news for beleaguered ATF

Harshly criticized over the past few years for everything from its role in the destruction of the Branch Davidian compound in Waco, Tex. to allegations that agents use excessive force, the Bureau of Alcohol, Tobacco and Firearms got a rare dose of good news April 24 when a General Accounting Office study that found the agency had a relatively low rate of shooting incidents from 1990 to 1995.

Of the 76,542 investigations and 46,930 arrests carried out by the ATF during that period, the report said, 39 involved shooting incidents and 25 involved allegations that agents had used excessive force.

"The use-of-force study is largely pretty good news for ATF," said Representative Jim Lightfoot (R-Iowa), who chairs the House Appropriations subcommittee that oversees the agency. The statistical information, Lightfoot

told The Washington Post, "works out to ATF discharging a weapon in about eight times of every 10,000 arrests."

The numbers were particularly impressive, he added, considering that 46 percent of ATF suspects have a previous felony conviction, 24 percent have a history of violence, and 18 percent were armed when arrested.

The report also found that the ATF's guidelines on when deadly force is permitted were consistent with those of the FBI and the Drug Enforcement Administration.

Lightfoot also released another GAO report that found a 35-percent decline in the number of firearms dealers since President Clinton took office. The nationwide total has dropped from a high of 260,700 in April 1993, to the current 168,400.

The report credited the decline to sharp scrutiny of dealers by the ATF.

The agency intensified its efforts after a White House memo in August 1993 asking that agents require more information of license applicants.

The previous system of licensing, the memo said, had encouraged a "flourishing criminal market in guns."

Although the report does not detail whether dealers lost their licenses because of non-compliance or simply gave up on their applications, Lightfoot suggested that some fell into the category of hobbyists who simply found the application process too arduous.

Some of the licensees "were in areas where, frankly, the ATF didn't want that many dealers, and from the feedback we got here, they gave some of them a very hard time," said Andrew Molchan, director of the National Association of Federally Licensed Firearms Dealers.

In 1995, a fundraising letter circu-

lated by the National Rifle Association described ATF agents as "jackbooted thugs" who "attack law-abiding citizens." Lightfoot said the new GAO report refutes that charge.

The ATF, which has been fighting for its reputation almost continuously since it was nearly abolished during the Reagan Administration, was a key target of criticism for its part in the 1993 Waco debacle. A gun battle that erupted when ATF agents tried to serve search warrants left four agents and six Branch Davidians dead.

Criticism was also leveled at the agency for the participation of 60 of its agents in the "Good 'Ol Boys" weekend, an annual outing at which racial slurs were apparently common. The agency said earlier this month that up to 10 agents may be punished because they "witnessed racist activities" and took "insufficient action."

DC goes all-out after domestic violence

A twice-honored Washington, D.C. Officer of the Year was convicted March 1 of beating his fiancée, even though the woman later recanted her story and declined to press charges.

The Government's perseverance in the case, and a new squad of prosecu-

tors created to deal exclusively with domestic violence cases, reflect an effort by District leaders to crackdown on domestic abusers.

The officer, David D. Wilhight, 33, was sentenced March 31 to six months of unsupervised probation by Superior

Court Judge Mildred M. Edwards. "The bottom line is that no provocation justifies getting physical with each other," said Edwards.

Wilhight was arrested after Smith accused him of hitting her and stepping on her foot during an argument

Sept. 3. She told police that Wilhight became angry when she said she wanted to break off their engagement. Her statement said he hit her "with his fists" on her head and body.

In a second statement to police on Sept. 11, Smith said that Wilhight had hit her before, but she never called police. She called the authorities this time, she said, because she "was tired of being hit on." Smith added, "Sometimes I think David thinks he is above the law."

Smith showed up for the first trial date in February, but had to be threatened with arrest before coming to the second date March 1. At that time, she testified that she had provoked the fight and exaggerated what happened.

In the past, a victim's refusal to press charges would have meant a dismissal, but prosecutors moved forward on the case, even putting Smith on the stand. "What we tell victims is the case is not just against them but against the community as well," said Assistant U.S. Attorney Robert J. Spagnoletti, who heads the District's new unit of prosecutors handling all the city's domestic violence cases.

The reason the Government kept pushing in the Wilhight case, Spagnoletti said, was the defendant's reported history of violence, his position of public trust, and his easy access to a firearm.

Wilhight, who has been an officer six years, remains suspended and is in jeopardy of losing his job.

On the witness stand, Smith, a 36-year-old teaching assistant, testified that she had "overexaggerated the situation" and had taken "the problem out on him." Asked if Wilhight had ultimately apologized, Smith replied: "He had nothing to apologize for. It was on my behalf that things got out of control."

Prosecutors introduced copies of both Smith's earlier statements, a questionnaire she filled out for coun-

selors, a tape-recording of her 911 call the night Wilhight abused her, and photographs of her bruises.

Had Smith and Wilhight been married, Smith could have invoked spousal privilege and not testified. Unlike Virginia, Maryland and some 40 other states, the District has not limited its use of marital privilege in domestic-abuse cases, although Spagnoletti said advocates are working on a proposal to change the law.

Only a third of the 5,000 domestic violence complaints the city receives, he said, are prosecuted, in part because the victim backs off. While most of the cases involve misdemeanor crimes, some 40 to 50 percent involve homicide.

The creation of the new unit, announced April 1 by U.S. Attorney Eric H. Holder Jr., will pursue all domestic complaints from the time of arrest to resolution of the cases, as part of the city's broader initiative.

According to a plan unveiled in December, specialized units of police officers, counselors and judges will be created. All 16 of the prosecutors on the squad have had special training and have volunteered for the assignment.

"Countless other instances of spousal abuse, partner abuse, child abuse, sibling abuse and elder abuse also undoubtedly occurred but were never reported," Holder told The Washington Post. "This type of violence has become so prevalent in our city that it is now the No. 1 health threat to women who live here."

In addition to legal action, Holder said victims' rights advocates will also work with community volunteers to help get victims into shelters and find support groups.

"It is not just wives who refuse to leave their husbands who are victimized," said Holder. "Unmarried partners, either gay or straight, are at just as high a risk of being abused, as are roommates, siblings and grandparents."

High Court weighs hiring decisions in police brutality cases

In a ruling which could determine how responsible governments are for the actions of rogue police, the U.S. Supreme Court agreed on April 22 to determine whether a county can be made to pay damages to the brutality victim of an officer whose criminal background was not seriously checked.

The case stems from a 1991 incident in Bryan County, Okla., in which a reserve deputy sheriff turned out to have a long rap sheet of criminal misdemeanors, but no felonies that would have barred his hiring. The deputy, Stacey Burns, also happened to be the son of the sheriff's nephew.

Burns, whose record included arrests for assault and battery, driving while intoxicated, and a conviction for possession of false identification, was successfully sued by his victim, Jill Brown, for using excessive force and violating her constitutional rights.

According to a lower court's opinion on the case, Brown and her husband, Todd Brown, had crossed the Oklahoma line driving north from Texas toward their Bryan County home. In order to avoid a police checkpoint,

they headed back to Texas where they allegedly planned to spend the night at Todd Brown's mother's house.

Burns and another officer saw the truck turn around and chased it. Once the truck had stopped, Burns pulled Jill Brown to the ground so hard that her knees were severely injured, and subsequently required four operations. She was handcuffed and left there for 30 to 60 minutes, according to the court record.

In her lawsuit, Brown asserted that the county should be held responsible because Burns's police record should have prevented his hiring. Lower courts ordered the county to pay more than \$800,000 in damages and attorneys fees.

On review, the U.S. Court of Appeals for the Fifth Circuit said the hiring decision by the county amounted to deliberate indifference to the public's welfare. The County argued that it should not be held liable on a single, isolated decision to hire an individual. The states, the County maintained, should be able to set their own screening requirements.

Aid for abused immigrants

A new Immigration and Naturalization Service rule will provide domestically abused immigrant women and children with relief from their victimizers by allowing them to seek legal status on their own.

The rule, announced March 26, implements a provision of the Violence Against Women Act, part of the 1994 crime bill. Under the provision, the abused spouse or child must be living in the United States at the time; be a person of good moral character, and have entered into the marriage to the citizen or lawful permanent resident in good faith.

They also must have evidence of abuse, such as police reports, medical records, affidavits from school

officials and social workers, and "other forms of relevant credible evidence," the INS announcement said.

"Foreign-born spouses and children are particularly vulnerable when their ability to remain in this country is controlled by an abusive U.S. citizen or lawful permanent resident," said INS Commissioner Doris M. Meissner.

In the past, only U.S. citizens or legal permanent residents — usually husbands — could file applications for their noncitizen spouses and children to become legal residents.

U.S. officials and representatives of advocacy groups said that in domestic violence cases, the husband often uses his role in the immigration proc-

ess to keep his spouse in an abusive relationship. Many women follow their husbands to this country, ignorant of the laws and speaking nearly no English. Most are also financially dependent on their husbands.

Officials said it is difficult to estimate how many will be affected by the new rule. There are already 300 to 400 cases pending under an interim INS rule issued last year that allowed the agency to accept, but not act on applications.

Lesley Orloff, founder of the domestic violence program at Ayuda, a Washington, D.C.-based group that provides legal services to immigrants, said there may be an initial surge nationwide of several thousand cases.

A Special Invitation to LEN Readers

Conference on Criminal Justice Education

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This conference will explore the current state of criminal justice education from a wide variety of perspectives. The conference will feature a range of presentations including panels, workshops, demonstrations, multi-media displays and poster sessions. Come hear colleagues whose teaching, research, practice, study and experience advance and strengthen criminal justice education. Or make your own presentation--the deadline has been extended to June 10, 1996 for Law Enforcement News readers. Submissions may address, *but are not limited to*, the following areas

- The relationship between the university and criminal justice agencies
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For more information, or to submit proposals, contact:

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The all-inclusive conference fee of \$60 (\$20 for students) covers Thursday's opening reception, Friday's luncheon and early evening hors d'oeuvres, as well as all panels, plenaries and poster sessions. Plan to attend this rich gathering of criminal justice educators and professionals. Join us this October in the heart of Manhattan, just steps from the best of what New York offers, at the most glorious time of the year.

Police groups speak up for illegal aliens

Several of the nation's largest police organizations and agencies have taken the unusual step of issuing public statements urging Congress to drop a provision in an immigration reform bill that would deny public education to the children of illegal aliens, saying the measure would lead to more crime if enacted.

The Senate has not yet considered the proposal, which is an amendment to a bill that passed the House by a wide margin in February. However, Senate majority leader Bob Dole (R-Kan.) has indicated that he supports the proposal.

But several police organizations have come out in strong opposition to the provision and have asked Dole, who is expected to be this year's Re-

publican nominee for President, to reverse his position, raising the prospect of increasing crime if the bill becomes law.

An education amendment to the immigration-reform bill would have "disastrous long-term effects on public safety," says Chicago's police Superintendent.

During a visit to the Mexican border near San Diego late last month, Doles said California Gov. Pete Wilson, a strong proponent of immigration reform whose state spends \$1.8 billion a year to educate more than 350,000 illegal immigrant children, "ought to have the option to deny free public education to those in our country illegally."

Los Angeles County Sheriff Sherman Block, one of the state's most prominent and longest-serving law enforcement officials, opposes the education amendment.

"I have some strong feelings about illegal immigration and the need for the Federal Government to do a better job of dealing with it. But one of our biggest problems is to develop a positive alternative to gangs and drugs for our youngest children with free time after school. To literally have them loose on the street under this provision — I don't see how that

would be a positive," he told The New York Times.

President Clinton has indicated he would veto any bill that includes such an education provision. But even if the immigration bill were to become law, the amendment would face an almost certain legal challenge in view of a 1982 Supreme Court ruling that children have a right to education, regardless of their legal status.

Police groups have supported some provisions of the reform bill, especially those that would beef up patrols along the border and give wider discretion in deporting illegal aliens, but they reject the notion that denying public education will solve any of the nation's problems with illegal immigration. "Forcing young people out of

school and onto the streets would have disastrous long-term effects on public safety," Chicago police Supt. Matt Rodriguez wrote in a letter to Senator Dole.

National FOP president Gilbert Gallegos has also weighed in with his 270,000-member group's opposition to the amendment. "To us, it is far better to have these youngsters in a structured, nurturing, learning environment than to have them out roaming crime-ridden neighborhoods," he said.

Chuck Wexler, executive director of the Police Executive Research Forum, told Law Enforcement News that his group also opposes the amendment. "We know that the prime time for crimes is right after school ... The most compelling time to keep kids engaged is during the day and right after school. What a bill like this does is takes kids out of school and puts them on the street. Both society and the kids are the losers."

"It's a knee-jerk amendment," said Robert Scully, who heads the National Association of Police Organizations. "Don't penalize kids."

That opinion was echoed by Rich Roberts, a spokesman for the International Union of Police Associations, which represents about 400 police locals. "You're punishing children for something their parents did and you're acting against the country's best interests," Roberts said. "It makes absolutely no sense. ... These kids are going to end up on the streets where the crime problem will be exacerbated."

The International Association of Chiefs of Police, the nation's oldest law enforcement organization, has not taken a position on the matter and is not expected to, said spokeswoman Sara Johnson.

Crime cuts a broad swath among the young in latest BJS victim survey

Children between the ages of 12 and 19 were the victims in one-third of the estimated 10.9 million violent crimes committed during 1994, according to the latest National Crime Victimization Survey released April 17 by the Bureau of Justice Statistics.

The survey, which measures both reported and unreported personal and household offenses through a sampling of 120,000 people, found an estimated 6.6 million simple assaults, 2.5 million aggravated assaults, 1.3 million robberies, and 430,000 rapes or other types of sexual assault.

The figures, however, show an overall decline of nearly 3 percent from the figures recorded for 1993, according to the Justice Department. Violent crime rates leveled off during that period, after a steep drop of 20 percent from 1981 to 1986, and a bounce-

back of 15 percent from 1986 to 1991.

Almost one-quarter — 2.7 million — of the violent-crime victimizations resulted in injury, including bruises, black eyes or broken teeth. Nearly one-third of all robberies resulted in an injury, and 24 percent of victims of attempted robberies were hurt.

In addition to personal crimes, some 31 million burglaries, motor vehicle thefts, and household thefts were reported, accounting for 73 percent of all crimes measured.

The most likely victims of crime, according to the study, were males, blacks, the poor and the young. Men were found to be the victims of robbery and aggravated assault twice as often as females, and blacks were more likely than whites or members of other races to be affected by those crimes. In 1994, the survey said, there were 16.6

aggravated assaults per 1,000 population among blacks, compared to 10.9 per thousand among whites, and 11.9 per 1,000 persons of other races.

Nearly half of all victims of violent crime in 1994 were under the age of 25. The sexual assault victimization rate for that age group — 111 per 1,000 — was more than twice as high as the rate for those between 25 and 49, and 11 times as high as among those 50 or older.

In nearly two-thirds of the sexual assault cases, the survey found, the victim was acquainted with her attacker. About 6 out of 10 of these crimes occurred in the victim's or someone else's home, and two-thirds of the time at night. In 16 percent of the cases, the offender had a weapon.

Weapons were used in 55 percent of all robberies, said the survey, and

more than half occurred at or within a mile of the victim's home. Strangers committed nearly eight in 10.

Overall, 42 percent of all violent crimes were reported to police in 1994, including 36 percent of rapes, 20 percent of attempted rapes, and 41 percent of sexual assaults. Fifty-five percent of robberies, and 52 percent of aggravated assaults were also reported, as were 36 percent of simple assaults.

Those in households with annual incomes of less than \$15,000 were found to have significantly higher violent-crime victimization rates when compared with those with higher incomes. Black households, the survey said, suffered higher rates of property crime than did white households.

Eavesdropping on cordless phones is a no-no, says Oregon's top court

Police cannot use evidence obtained by illegally eavesdropping on conversations over cordless or cellular telephones, the Oregon Supreme Court ruled this month.

The April 4 ruling threw out evidence obtained in a drug case that began in March 1993, when an unidentified Eugene resident notified police about a conversation he overheard on a cordless telephone while using scanner equipment.

The conversation allegedly involved arrangements being made by a man named Phil to buy some "really good

stuff." Redmond police later arrested Phillip Carston, of Eugene, and three other people on methamphetamine-related charges.

At a pretrial hearing, a judge ruled the details of the conversation could not be used as evidence because the information had been gathered by illegally intercepting a private communication. Oregon law prohibits citizens from listening to telecommunications unless granted permission by at least one of the parties to the exchange.

In March 1995, the state Court of Appeals reversed the lower court, rul-

ing that the eavesdropping ban did not apply to the phone case. The ruling hinged on an exception to the law which says the eavesdropping prohibition does not cover communications "transmitted for use of the general public."

However, the state Supreme Court disagreed. "The radio transmission created by defendant Carston's cordless telephone was not for the 'general public,'" the justices concluded, adding that the transmission was "intended for the specific recipient of the call."

15 added to accreditation roster

Fifteen law enforcement agencies were newly accredited by the Commission on Accreditation for Law Enforcement Agencies at its meeting March 20-23 in Pasadena, Calif.

The certifications bring to 395 the total number of agencies accredited by CALEA since 1985.

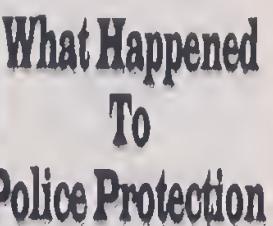
The accredited police departments included agencies in Berlin, Conn.; Canyon, Texas; Clearcreek Township, Ohio; Florence, S.C.; Huntsville, Ala.; Kent, Wash.; Manlius, N.Y.; Mansfield, Ohio; McMinnville, Ore.; Mi-

ami Township, Ohio; Newton, Iowa; Ridgewood, N.J.; Salina, Kan.; the Metropolitan Atlanta Regional Transit Authority Division of Police Services, and the University of Florida campus police department in Gainesville.

CALEA also reaccredited police departments in Arvada, Colo.; Glastonbury, Conn.; Lebanon, Ohio; Nashua, N.H.; Newport News, Va.; Redmond, Wash.; Schaumburg, Ill.; Tallahassee, Fla.; the sheriffs' departments in Charlotte, St. Johns and Volusia counties in

Florida, county police departments in Prince George's County, Md., and Riley County, Kan.; and the Lee County Port Authority in Fort Myers, Fla.

The Northwest Bergen Central Dispatch in Ridgewood, N.J., was certified under a CALEA program that allows agencies to pursue certification for certain functions or stand-alone public agencies that provide special services in training, communications, internal affairs and court security. So far, CALEA has granted three such certifications.



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John Ferrara and Kathleen Farrell, Ph.D co-authored
SHOPLIFTING: THE ANTISHOPLIFTING GUIDEBOOK, Praeger Publishers

So what is a mild-mannered political scientist doing in the philosophical trenches of the war on drugs? For Ethan Nadelmann, this is no Johnny-come-lately quest. He has been exploring the question of international drug-control policy since his days as a Harvard student, when he started burning out on the idea of becoming a specialist in U.S. foreign policy in the Middle East — "it sounded so hopeless" — and turned toward criminal justice issues instead.

After law school, he signed on with the U.S. State Department's Bureau of International Narcotic Matters, and his intellectual pursuit of the subject took off with abandon. He traveled to 19 countries around the world to prepare a classified department report, interviewing DEA agents, Customs agents, prosecutors and intelligence specialists. He acquired an insider's view of the drug war establishment, and with it a nagging sense of the inherent frustrations and futility of the Government's drug-control policy of choice.

Nadelmann, a 37-year-old former professor at Princeton University, has since 1994 been director of the Lindesmith Center, a privately funded, New York-based institute aimed at fostering research and broadening debate on drug policy and related issues. It's no easy task, given the highly charged moral arguments that often pass for debate on the subject. Yet deep-seated morality is just as much a keystone for Nadelmann, who contends that the drug war is unwinnable in our constitutional system. Moreover, he says, many of what are commonly labeled "drug problems" — crime, killings, overdoses, overcrowded prisons — are in fact "drug-prohibition problems," the unwitting consequences of America's anti-drug crusade.

What Nadelmann and many of his drug-peace brethren offer as an alternative is a policy centered on "harm reduction," which he says concedes the fact that drugs, like prostitution, are here to stay, so society might as well try to mitigate the harms that arise from their use. Harm reduction, he says, is in fact a range of options that includes clean-needle exchanges for intravenous drug users, legal medical marijuana, heroin and methadone by prescription and more — in essence, a variety of law enforcement, public health and regulatory approaches working in concert.

Such approaches have been tried or are currently in use in a number of places, mostly in Europe, although some American cities have taken a few tentative steps in the direction of harm reduction. The object lessons of such attempts, along with the slowly growing number of current or former police executives who are advocating a radical rethinking to the drug-war approach, given Nadelmann a basis for hope that conventional police views may be swayed somewhat on drug-policy issues.

He appears to have no illusions about the enormity of the task he has taken on. For starters, drug-prohibition has become, like the military-industrial complex of the 1950's, an entrenched multi-billion-dollar bonanza that resists efforts to challenge it. Moreover, even talking about drug policy alternatives remains a political no-no for the most part in many quarters. Still, he insists that if scientific evidence and substantive debate can somehow be brought to bear, then the cause of drug-policy reform "is way ahead." He appears as unlikely to back down from his position as do the most strident advocates of the drug-war status quo are from theirs.



A LEN interview with

Dr. Ethan Nadelmann of the Lindesmith Center

"The war on drugs is more like a crusade than a war. In a war, you want to figure out what are going to be the consequences, the casualties, the costs. In a crusade you ignore all that. . . . A moral imperative is driving."

LAW ENFORCEMENT NEWS: In many of your writings, you discuss drug-policy reform in the context of morality. Yet for many people with views opposed to your own, the moral dimension to the drug issues is just as serious a concern, if not a predominant one, often raised in the slogan, "Drugs aren't bad because they're illegal, they're illegal because they're bad." The question of whether the drug war is even winnable almost seems irrelevant; it simply has to be waged because morality demands it. How would you go about trying to reconcile those deep-seated moral concerns about the evils of drugs?

NADELMANN: You've raised the question in a tough way. As you pointed out, this is obviously a deeply moral issue for me also, and I regard the war on drugs and our prohibitionist control system as a fundamentally immoral way of dealing with drug use and abuse in America. So we have very different moral sensibilities. I think it's absurd, first of all, to say that drugs are immoral. What does that really mean? That this powder or this herb is immoral. It's almost a ludicrous statement on its face. The second thing is what do we mean by drugs? Penicillin? Aspirin? Prozac? Heroin and cocaine? Drugs can mean any of these series of chemicals that people ingest in order to deal with anxiety, health or whatever.

So what do they really mean? Do they mean inebriation is immoral? If that's what they're saying, then look at whether they are consistent in that. Most people who are furiously anti-drug, whether it's a William Bennett or whoever, they don't want to include alcohol in the broader drug war. At least the more recent drug czars like [Lee] Brown and [Barry] McCaffrey do. So where's the consistency here? Those who say, "Alcohol is fine," and then make some non-scientific arguments about the difference between alcohol inebriation and other forms of inebriation, or between nicotine inebriation and other forms of inebriation, are just arguing out of ignorance. There's no consistent moral position there.

Look at these moral views cross-culturally. There has been some internationalization of norms

involving crime and such — some movement toward different countries and different cultures criminalizing the same sorts of things and decriminalizing the same sorts of things. But take one activity: possession of marijuana. Possession of eight ounces of marijuana in The Netherlands is virtually legal — technically illegal, but you'll get a slap on the wrist. In Malaysia, it gets you the death penalty. And in parts of the Western world you can get five years for that. As far as I know, there are virtually no criminal offenses other than the drug ones in which you have that degree of difference in the way secular society views it. That's just one more thing that suggests that there's this quasi-religious component to it. It's not based on science or rationality. It's a curious, visceral, almost quasi-religious form of morality — or call it prejudice or bigotry for that matter.

LEN: So how do you win over someone with a visceral, quasi-religious opposing viewpoint?

NADELMANN: Well, as far as we can tell from polls and such, if you look at the broad base of American public opinion, there's maybe 20 percent who are strongly committed to reform. There's 20 percent who are fanatically anti-drug, who I don't think can be reasoned with. But then you take the remaining 60 percent. They're not reformers; they're not committed drug warriors. They're just that central part of American public opinion that lives in drug-war America, that accepts the basic ideas that are out there. The majority of the American people are sensible and they know how to think. They've had their morality challenged before, and their moralities have changed in different ways. A substantial majority of the American people were opposed to treating black people or women as equals. They were opposed to treating homosexuals even remotely as equals. In each of these areas public opinion changes at some time; there's a moral revolution in the right direction. My sense is that if you present them with scientific evidence, with reasoned and rational arguments, and with an alternative moral perspective, people will listen. Even if they don't buy into it right away, they'll begin to rethink this stuff.

"Police like to be pragmatic. The war on drugs is not a pragmatic policy. There's no form of pragmatism by which one can justify the war on drugs, or these massive street sweeps or any of this other stuff. Harm reduction is a fundamentally pragmatic policy."

Big business

LEN: Narrow the focus down to this newspaper's core audience: the law enforcement community. What do you see as the single greatest hurdle to getting police to rethink their views on existing drug policy?

NADELMANN: The greatest hurdle is one that has to do with the emergence of what might best be called the drug-prohibition complex. It's a not so minor-league version of what President Eisenhower once called the military-industrial complex. This is a big business involving tens of billions of dollars, going primarily to law enforcement agencies and the criminal justice establishment. It also involves millions going to a drug-treatment industry that sees itself increasingly an ally of the criminal justice system, to a drug-testing industry which is often is peopled by former top drug enforcement officials. This is work; this is people's careers. Correction officers' unions now lobby for tougher drug laws so they can keep their people employed guarding young urban drug dealers in upstate prisons. You have this tremendous deference to law enforcement agencies, and that deference sometimes gets to the point where officials are advocating for their own pecuniary, institutional interests. So far and away, I think, the single greatest thing is the fact that there's so much money at stake.

LEN: Is there a semantic side to the issue as well, what with a vernacular that's full of stock phrases like "drug war," "survivor," etc.?

NADELMANN: It's refreshing to see some of the stuff General McCaffrey has been saying, because he is following in Lee Brown's footsteps in saying he will no longer use the rhetoric of war, of a drug war. That's a positive development. It's the wrong rhetoric to use. It's foolish and counterproductive. It sends the wrong message to a democratic civil society to talk of a war on drugs, which essentially is a war on tens of millions of Americans, or, alternatively on some white powder and some herb, which is absurd and ludicrous. The other language he's using is to say let's think about this as a cancer. I don't think that's exactly the right analogy, but it's getting closer. It suggests that the solution is going to be public health, not law enforcement or quarantine. It also suggests something which is very variegated, as cancers are dramatically different from one to another, just as different types of drug use and abuse vary tremendously from one to another.

With cancer, part of it's trying to kill the cancer or treat it or cure it. But part of it's also helping people who have cancer learn how to live with it, how to live despite it and how to minimize the harms of it. Cancers are too varied for there to be a single magic bullet. There's no magic bullet for drug addiction or abuse. There are too many types of drug addiction or abuse. It's too much a part of the human condition. So the rhetoric is enormously important, and it's encouraging to see McCaffrey take this step in the right direction.

Talking heads

LEN: What are the political dangers for a police official that might be considering speaking out on the issue of alternative drug policy?

NADELMANN: Well, it's nice that we have Pat Murphy on the board of the Drug Policy Foundation, as are three other former or current police officers: Joe McNamara, former police chief of San Jose, Wes Pomeroy, who was active with Pat Murphy at LEAA and elsewhere, and Nick Pastore from New Haven, who's really sort of in the vanguard. Then you have Tom Frazier of Baltimore, who just sent some guys over to Rotterdam to see how they do their things there, and Lou Cobarruvia, who was McNamara's successor in San Jose. All of them are proponents of drug policy reform, but not one of them will call himself a legalizer. What they all have in common is the belief that the war on drugs is a bust, that we've relied much to heavily on the criminal justice system. It goes beyond that. All these people are calling for a fundamental reevaluation of our prohibitionist drug-control strategy. Pat Murphy's one of the most respected people in American policing, and he is right out there saying we have to look for new ways. At a conference at the Hoover Institution that Joe McNamara organized, Frank Jordan, then the mayor of San Francisco, got up and gave this fairly emotional address to the police officers saying, "You know, when I first heard about needle exchange, I was opposed to it. Then I looked at the evidence, I talked to the people, and I went through a soul-searching process and realized that as a police officer, and as a mayor who represented all my citizens, I

had no choice but to support needle exchange. And I hope that all of you will go through this soul-searching as well."

The fact of the matter is that police officers can speak out on this stuff. In Europe, some of the leading forces for drug law reform are the police. Police chiefs in Germany, the Netherlands and England are speaking out, saying: "This a drain on police resources and it's diverting our officers from focusing on real crime, the types of crime that generate victims who call the police. This is a bottomless pit, and we can't be persuaded that we're not doing more harm than good." So it seems to me that, yes, police chiefs have to watch out, but the bottom line is that a growing number of police chiefs have spoken out and are willing to, and it can be done.

LEN: There is, of course, a difference between speaking out and taking action. Are there police officials who have bridged the gap between rhetoric and action in terms of alternative drug policies?

NADELMANN: Nick Pastore in New Haven has become very educated and informed about public health and harm reduction approaches to drug control. He's been strongly supportive of the needle exchanges in New Haven. He's supported the state legislation to repeal the prescription requirement for sterile syringes, which all the evidence shows is the right thing to do in terms of saving lives and reducing the spread of AIDS. He's been innovative in working with young people.

Harm reduction is not about letting people use more drugs. It's about reducing the harms associated with drug use even among people who continue to use drugs. You know, police like to be pragmatic. The war on drugs is not a pragmatic policy. There's no form of pragmatism by which one can justify the war on drugs, or these massive street sweeps or any of this other stuff. Harm reduction is a fundamentally pragmatic policy, and Pastore's really taken the lead in that respect.

There's every reason in the world for a police commissioner

supporting needle exchanges, that sends a message to the police that they have to look at things differently.

A third thing comes from the needle-exchange programs themselves, because what's happening with these programs is that some of them are engaging the police. I know leading people who are working on needle exchanges, whether in Chicago, New York or a lot of smaller places, who go and give presentations to local police departments. Most police are likely to be hostile, but over time that's changing.

Another issue is leadership within the police world. When you have a growing number of former police chiefs and sitting police chiefs who are willing to speak out on this, it begins to provide both leadership and some cover for other people to go out and say it. And people will see Pat Murphy and Wes Pomeroy, Joe McNamara and Tom Frazier, Lou Cobarruvia and Nick Pastore — that's not exactly the most motley bunch in the world; that's a pretty distinguished group. That begins to provide some form of cover and leadership there. Then the next issue is whether the publications that police read are at least going to be open to engaging in real debate on a serious level. And, of course, when a Joe McNamara organizes a conference and has 50 police chiefs there to discuss alternative ways of dealing with drugs, there's an enormously valuable educational thing that goes on. We need more of those.

LEN: The conference you're referring to was attacked in some quarters for its purported secretiveness, because no one went public and staked his or her name and reputation to an anti-drug war position. . . .

NADELMANN: In general, almost anything that gets said against the drug war is going to be roundly attacked by somebody. But the bottom line, as far as I understand it, is that Joe sent invitations to virtually all the major-city police chiefs; there was nothing secretive about it. There were a lot of significant police chiefs out there. As I understand it, there were

"Police chiefs have to watch out, but the bottom line is that a growing number of police chiefs have spoken out and are willing to, and it can be done."

and a public health commissioner to work arm in arm if both their jobs are about creating a greater level of health, order and welfare for society. They have so much in common to work with. In many European cities the notion of cooperation between the public health department and the police department is very well institutionalized. That's not the case in the U.S. In New Haven and Baltimore, and maybe a few other cities, to the best of my knowledge there is close cooperation between the public health and the police departments. That should be the wave of the future; there should be a common interest in doing this.

You also have people who are not outspoken in the slightest about drug policy reform, but who are quietly pursuing alternative strategies. For example, there's an illegal needle exchange program in New Brunswick, N.J., and it's my understanding that the local police look the other way. There's a level of tacit police support for harm reduction initiatives because they see that the stuff makes sense and that it works. Those people aren't speaking out publicly, but nonetheless they're playing a positive role. We have other police officers at very high levels who are for legalization, but they don't want to say so publicly. It means that underneath the veneer of consensus — the stuff that police officers have to say in their public speeches and their articles in the police magazines — there is a pretty lively debate going on.

Changing cops' minds

LEN: What kinds of influences can shift the balance of police opinion on this issue?

NADELMANN: A lot of things, I think. First of all, it's tied in with changes in public opinion. Support for drug policy reform has grown from a very small minority to a respectable minority over the last six or eight years. Police officers will respond to that shift in public sentiment. Secondly, it depends on what the mayor's saying. The police officers may be more likely to reflect what the mayors are saying, and there's going to be some shift in sentiment to reflect that. Even when it's a pro-drug war mayor like Ed Rendell in Philadelphia or Richard Riordan in Los Angeles, any of these guys who are now

not going to be names signed onto some petition there. It's no surprise that in the current environment of the drug war, where rhetoric substitutes for science, and the dominant impetus is to throw a criminal-justice wrench at every single drug problem, of course police chiefs are going to be reticent about lending their names to reform. But the key was that here was an environment that provided police chiefs with the opportunity for discussions about methadone or needle exchange or marijuana. As far as I know, there's been remarkably little effort from within the police establishment — the International Association of Chiefs of Police or anybody else — to really educate police about these issues. A significant portion of police leadership has not taken its responsibilities the way it should.

LEN: Do you know of any rank-and-file groups or their leaders that have taken a stand favoring an alternative drug policy?

NADELMANN: To my knowledge, no. Undoubtedly it would help, but the police unions are not focused on those sorts of policy issues. A police union could come out with a view that says needle exchanges reduce the likelihood of officers getting stabbed by infected syringes while doing searches. By and large, they haven't as yet. At this point, I think it's still too controversial for the formal associations. We're still at a point where it's a matter of education, and the real question is whether some of the leading police organizations are going to play some positive role in this. It's clearly needed. Police organizations, to my knowledge, are not playing any role in educating people about this stuff, so how can a police officer even know what the options and alternatives are?

Winning the war

LEN: Some contend that the reason we're not winning the drug war is because we have yet to commit either the resources or the resolve to wage such a war properly. . . .

NADELMANN: The war on drugs cannot be won in the United States of America so long as we remain a democratic society beholden to law and the Constitution. Nothing short of a totalitarian

Continued on Page 10



The number of Americans imprisoned for drug-law violations has increased roughly tenfold in the past 10 years, according to Nadelmann, who adds that they now represent over 60 percent of the Federal prison population.

"We can't keep drugs out"

Continued from Page 9

tarian society can really win a war on drugs — sometimes

You just don't hear the argument, "We could win this war if we really try," all that much anymore. Eight years ago, everybody would say that. Now it's 1996. We have doubled the number of Americans behind bars in the last 10 years; tripled in the last 15 years. About 400,000 people are behind bars right now for violating a drug prohibition law. It's over 60 percent of Federal prisons, and about 24 percent in the state prisons and local jails. Beyond that, you have all the prohibition-related crimes that people are incarcerated for, like people stealing to support their habits, drug dealers committing violent crimes to protect their turf and resolve disputes. You start adding up to over 500,000 people behind bars all told for drug prohibition-related offenses. We have increased about tenfold the number of Americans behind bars for drug law violations in the last 10 years. The number of women has gone up even faster, and the number of minorities faster still. It's quite staggering at this point. In 1981 the Federal Government spent a billion dollars a year on this stuff; now it's \$10 billion to \$12 billion. At the state and local level it's got to be more than that. We have drug testing at the majority of corporate workplaces, we have DARE officers all around the country — even though evidence shows that it has no impact on drug use. When you pick up a milk carton, you no longer see the missing child on the side; now it's "fight drugs."

We've gone pretty damn far, and people say we haven't yet. The question is, what do they want to do? Ten or 20 million Americans violate the drug laws each year — nobody knows for sure. Do you incarcerated 10 or 20 million of them? At what point do you say enough is enough? You're flooding the prisons with drug law violators, many of whom are not criminals in other senses of the term. So this argument that we haven't yet begun to fight this war, and if only we got serious — you've got to be kidding me.

LEN: Hypothetically, then, what sort of resources might it take to wage a winnable drug war?

NADELmann: Americans continue to believe in this myth that we can keep drugs out of the country, this absurd notion of fortress America. Some years back, Jack Lamm, the former head of the DEA, said we can't keep drugs out of this country, and even if somehow we could build a wall around the U.S. and keep them out, in a few weeks the country would be flooded with synthetic substances taking their place. But if you look at the evidence on how these drugs grow, on the skills that are required, on the ease with which they can be transported to the U.S., on the fact that the U.S. is part of a global economy, the fact that tens of millions of Americans come into the country each year, hundreds of billions of tons of goods coming in each year — there is no way to keep these drugs out. If the market for heroin in the United States were not 10 tons a year but 100 tons a year, it would come in. If for some reason there were a plague that wiped out all the cocaine in the United States, does anybody really think that would make a difference to the inner-city drug problem? There would be a brief rush to drug-

treatment facilities, and then before you could blink, you would have every other form of stimulant or other drug. Heroin would surge into the void. Methamphetamine, you name it. What do people do when they're too poor to buy marijuana or other drugs? They might turn to inhalants: gasoline, glue, whatever. People who want to mess with their minds, for destructive purposes, recreational purposes or whatever it is, are going to find something.

Helping American farmers

LEN: We've heard it suggested — by a South Florida sheriff, among others — that the rise of the domestic marijuana cultivation industry in the United States is a creature of the Government's own making, stemming from the zero-tolerance crackdown in the 1980s.

NADELmann: I strongly believe that there was no attention given by the U.S. Government to anticipating the consequences of particular international initiatives. This may have changed, although I suspect it has not. One could easily have said, if we launch a major interdiction campaign in 1982 (which Vice President Bush headed up at the time), what's going to happen is that we're going to catch a lot of marijuana. We're thereby going to stimulate domestic production, as well as perhaps production in Mexico where you don't have to go by the seas. We will also probably create an incentive for producers, traffickers and sellers and consumers to switch from marijuana to cocaine. That would have been a sensible thing; it was just so obvious in a way. That's the sense in which this whole war on drugs is more like a crusade than a war. In a war, you want to figure out what are going to be the unintended consequences, what are going to be your casualties, what are going to be the costs. In a crusade you ignore all that. With a crusade, it's the fact of trying. The consequences are incidental. You hope you win, but if 90 percent of your troops are eliminated, well, it's a crusade; you don't look at that sort of thing. A moral imperative is driving. And, in fact, we have had a drug policy where rhetoric has substituted for policy making, and where the notion of crusade has precluded any sort of objective evaluation of the costs and benefits of this war. If you look at the way the Government evaluates its own drug control strategies, it does so only in terms of one simple indicator: levels of drug use in America. It doesn't look at the other indicators, like the proportion of criminal justice that's wrapped up in incarcerating and prosecuting these things, or the fact that drug-related deaths have increased dramatically because of the spread of HIV.

LEN: Suggestions that there be alternatives to current drug policy are often met with arguments that include dire scenarios of "selling crack at candy stores." What possible alternatives do you see between the extremes of the current prohibition and a market-driven legalization approach?

NADELmann: The alternatives are not simply persisting with our war on drugs or legalizing virtually everything. It's really a matter of envisioning drug-policy alternatives as a range along

a spectrum. In fact, the vast majority of what I and my colleagues at the center are working on has very little to do with legalization right now. Most of it has to do with harm reduction, which is essentially a way of making drug prohibition work better, but according to a different set of criteria that focus on reducing drug-related death, disease and crime, rather than just blankly trying to create a drug-free society.

What's happening today is the growth of a drug-policy reform movement. These people disagree vociferously among themselves about what's most wrong with the drug war and drug prohibition, and often share very little in common about what should come in its stead. This reform movement includes people who want to make marijuana legal just for medical purposes, or heroin just for medical purposes. It includes people who want to decriminalize or legalize marijuana. It includes the hemp people, who want to make hemp legally available for environmental or industrial purposes. It includes the needle exchanges and the whole harm-reduction thing. It includes the people protesting the mandatory minimums and the forfeiture abuses. It includes African Americans who are opposed to crack-cocaine sentencing being 100 times as stiff as the powder cocaine stuff. It includes police chiefs who are tired of focusing on drug-dealing vice crime and want to spend more resources focusing on violence and predatory crime. It includes prison chaplains who are disgusted at the number of people they're counseling who are not real criminals as they see it.

All of these people are finding something in common, and it's not that they want to legalize all drugs, because that's just a view held by small proportion of the movement. What it boils down to is that these are all people who see that our current drug policy is fundamentally grounded in fear, prejudice and ignorance — ignorance because the stuff that is said about all these drugs is so far from scientific truth; fear and prejudice because so much of this stuff is wrapped up in the fear of minorities in this country. Fear of drugs has almost replaced our fear of communism in a way. Now there is some broad consensus that an alternative drug policy should be based upon common sense, science, public health and human rights. That doesn't automatically lead to a legalization policy, but it certainly does not justify our current policy. There's no way that one can be opposed to needle exchanges any longer if you look at the science. There's no way you can be opposed to medical marijuana if you look at the science and the legal affidavits that people have signed. There's no way that one can oppose methadone reform if you look at the science and respect what the National Academy of Science has said about this thing. There's no way one can continue to support these mandatory minimum sentences if you have any regard for human rights — not when you look at the tens of thousands of people who have never committed any criminal violations apart from the drug violation, who are ripped from their families and sent behind bars for possession or petty drug dealing. If we have a modest objective, it is to get the national debate into what everybody agrees about regarding harm reduction. Then we can have sensible, educated debates about whether or not some forms of legal regulation make sense in the long run.

Number crunch

LEN: If there were to be some form of legalization in the future, how might that impact crime rates?

NADELmann: When it comes to medical marijuana, methadone reform, needle exchange, heroin by prescription, reducing mandatory minimum sentences, pulling back on forfeiture abuses, or any of these other moderate, modest measures, there are no risks of increased drug use and abuse. These things are risk-free. There are no risks associated with moving in that direction, none whatsoever that have been identified in public opinion polls, scientific evidence, or based upon common sense. We also know that at least some of these measures would reduce drug- and prohibition-related crime.

Now if you want to talk about a real legalization scheme, obviously that's going to reduce drug- and prohibition-related crime. If you want to parse out the drug-crime connection, to try to figure out what role prohibition plays in it, the best way to do that is to look at the alcohol-crime connection and then discount it by a factor of 50 percent.

LEN: Why the discount?

NADELmann: Because alcohol is more associated with violent crime and arson than any of the illicit drugs. Because if you're looking at the BJS stats on this stuff, you'll find that illicit drugs are more associated with predatory crime of a non-violent sort, as well as vice crime, prostitution and shoplifting. Alcohol is disproportionately associated with violent crime and arson. I used to think that PCP was a heavy violence drug, but now there are two studies I've seen on this, which say the PCP-crime connection has been exaggerated. Some people take PCP and become violent and crazed, but by and large it's not the case. Crack has been associated with spousal abuse and child abuse, and that's clearly a problem there. By and large, you want to separate it out. Recently you've had these absurd statements by Lee Brown and Donna Shalala talking about a

"It's crucial for people to distinguish between the harms associated with drug use and the harms associated with drug prohibition. Americans need to recognize the extent to which drug prohibition is responsible for most of what they identify as drug problems."

marijuana-violence connection. It's like they're spoofing the scientific evidence or something. What an absurd claim to make — and there's almost no shame whatsoever in this thing! Thirty years ago everybody hollered about the heroin-crime connection, that heroin addicts needing a fix would go out and mug and kill people. Well, it turned out that there was remarkably little evidence of that as a heroin-crime connection. Most of it was people stealing to support their habits.

When Paul Goldstein did his study on the violence connection in the late 1980s, he found that the vast majority of that drug-related homicides were not psychopharmacological; they were systemic, or prohibition-related. And of the ones that were psychopharmacological, alcohol was the drug most associated with those things. So there's got to be a significant reduction in drug- and prohibition-related crime in that sense.

Mixed messages

LEN: It is frequently suggested that considering or even discussing alternative, harm reduction-based drug policies would send the wrong message. In other words, how can we tell young people not to use drugs, while at the same time we're handing out needles, issuing scripts for heroin or methadone, or giving marijuana to glaucoma patients?

NADELMANN: The people who say that assume that our kids are a lot stupider than our kids really are. The bottom line is that one of the reasons we have a problem right now is because the official American line on drug policy has been to lie to our kids over and over and over. You can't keep telling kids lies about drugs all the time, and not expect that to come flying back in your face. Some people will argue that the reason you've seen these recent increases in drug use among kids is because we've let up in our efforts against drugs. I say it may well be the opposite, that the kids who are now using drugs are the kids who were the most exposed to anti-drug messages of any generation of American kids in history. The kids now using drugs in junior high school and high school were swamped with anti-drug messages in elementary school and junior high. If anything, they got swamped with some absurd claims about marijuana. Rather than telling the kids the truth about drugs, which is that these things can either be innocuous or incredibly dangerous depending on how you use them, we lie to them. We say these things are demons. If you want to lie to kids, you can win them over when they're young for a few years, but then they get a little older and they start laughing at the lies.

As for mixed messages. What's the message we give now? We say we're not going to give a clean needle to a drug addict because that's supposed to be an immoral message. But what's the alternative message? That if you're a drug addict and you can't stop, then you should get AIDS and die, and before you die bring down your wife, your children and anyone else you come in touch with. Is that the more moral message? Is the moral message that people, including some who have never smoked marijuana for recreational purposes in their lives, should be deprived of marijuana to deal with their pain and nausea? And what is methadone? It is to street heroin what the nicotine skin patch and nicotine chewing gum are to cigarettes. Should we say that it's an immoral message to give somebody a nicotine skin patch because he got addicted to this immoral drug nicotine? The American people are smarter than that. If anything, it seems to me the drug warriors are losing whatever moral high ground they sought to maintain. If we really want to have a moral message, it is that drug addicts are citizens in most cases, and human beings in all. The dehumanization of drug addicts and the demonization of drug use in American society — that's a fundamentally immoral message.

It takes a lot of money and a lot of huffing and puffing to keep the drug war and its propaganda machine rolling on. The reason they have to spend so much is because it's so lacking in substance. I'm delighted that the drug warriors now have to start engaging this thing on a substantive level, relying on real information and real facts. You can't support the current drug policy based upon science and the evidence. Ninety percent of the science and the evidence is on the side of reform, not on the side of the drug war. There's barely a single drug prohibition law that was based upon scientific research. If we're at the point now where more and more scientific evidence has to be the basis for debate, then drug reform is way ahead.

LEN: Just how do you see the proper role of law enforcement in an overall drug policy?

NADELMANN: If we're talking about the short term, and what the police should be doing within the current environment, it seems to me that it all goes back to what I said before about

greater coordination with public health departments. Frankfurt, Germany, is a good model, where there's a Monday morning group composed of the public health commissioner, the police commissioner, the chief prosecuting attorney and others. They meet to discuss drug policy, and then you have some sort of coordinated response so that the issues of drug dealing and drug addicts on the street corners are dealt with in tandem with methadone reform and needle exchanges and harm reduction and drug prevention. It's all integrated so that the people dealing with other public health issues, like tuberculosis, and the people dealing with other criminal justice issues, like predatory crime, can bring it all together to the same table. So the first thing would be much better coordination with public health in terms of thinking about how to do a harm-reduction policy.

The second thing is thinking about what harm reduction means in the context of policing drug markets and policing neighborhoods where drugs are. Remember, harm reduction basically involves the notion that you accept the obvious, which is that drugs are here to stay and you learn how to live with them in such a way that they cause the least possible harm. It means reducing the death, disease and crime associated with drug addiction and our drug laws, even among people who continue to use drugs. That notion of harm reduction bears a lot in common to notions of community policing. First of all, they both have a similar problem in that they're often defined to mean almost whatever anybody wants them to mean. There's also a notion of pragmatism and a notion of dealing with problems, empowering police officers to exercise greater discretion in what they do. They also are similarly concerned less with enforcement of criminal laws and more with the preservation of order and social behavior in the cities.

The closest analogy to harm-reduction policing is prostitution control. Police never talk about a prostitute-free society; they would laugh at the notion. Drug use and dealing are like prostitution. They are things that respond to all sorts of human needs. They are things that society, for a variety of reasons, has chosen to criminalize. But they are things that are here to stay.

Think about the analogy on three levels. On one level there is the elite level of this thing, the yuppie, middle-class drug use that's behind closed doors. It's not involving any sorts of violence or exploitation. It's a little bit like high-level call girl

NADELMANN: So far as I know it's working very well. With the policy there, they don't have a serious drug related crime problem. It's community policing integrated with traditional harm-reduction notions, which is, we don't want this disorderly, we don't want it on the streets, we don't want drug-related violence, and we don't want to be wasting resources on policing vice activities. The Netherlands is one of the most peaceful, low-crime, low-violence countries in Europe. They have petty crime, and lots of bicycle theft, but it's less than in many other countries, and the red light districts in Amsterdam are dramatically safer than most neighborhoods in most American cities.

Lessons of Prohibition

LEN: The great Prohibition experiment is sometimes cited as an analogy of why an alternative drug policy is needed, and the kinds of alternatives that might be available. Yet not everyone is convinced. Why not?

NADELMANN: The resistance to the Prohibition analogy comes, first of all, from people who say alcohol is different, alcohol is our drug, and we don't want anybody comparing our OK drug to their bad drug. Second, of course, is that alcohol has always been used more widely in American society than any of the illicits, although marijuana comes close. Third is that alcohol use did in fact drop dramatically between 1916, just before Prohibition, and 1922, at the beginning of Prohibition, so people like to claim that alcohol prohibition actually worked, which in some respects it did, at least in its first few years.

It's crucially important for people to distinguish between the harms associated with drug use and the harms associated with drug prohibition. I say over and over that we have two drug problems in America. One is our drug abuse problem, and that requires public health approaches. The second is our drug prohibition problem, and that requires some forms of both harm reduction and decriminalization. When you hear about drug-related killings in the streets, those should be called prohibition-related killings. When you hear about prisons overflowing with drug-law violators, that should be called the consequences of prohibition. When people overdose because drugs are not regulated, that's a result of prohibition. So there's a crucial,

"Harm reduction basically involves the notion that you accept the obvious: that drugs are here to stay and you learn to live with them in such a way that they cause the least possible harm."

prostitution. There's very few complaints. It's not an issue of the social order or whatever, and they almost can be ignored. Cops do that with drugs to some extent. Then you go to the street level, where the poorest hookers and the most active, down-and-out street users are. There, what the police do to some extent is often a de facto zoning policy.

For the mid-level entrepreneurs, the cops have a mixed role. They have to enforce the law. They want to keep them from messing up neighborhoods. And they don't want any people in the business getting so big and powerful that they start becoming a sort of local political force. The greatest example is what happened during Prohibition, and more recently in Colombia and Mexico. So you don't want open-air drug markets, or you want them in places where they're not disturbing people. You don't want violence being used. And you don't want drug users being exploited by dealers.

If you want to look at who's in the vanguard of this, go to Rotterdam, where the police have what they call the apartment dealer system. The message was very clear: we don't want street dealing. Most drugs are bought and sold out of apartments. The police in Rotterdam knew who many of the drug dealers were, so they paid them a visit. They said, "Mr. Drug Dealer, we know what you're doing. We know who some of your customers are. Our view is this: You can keep doing what you're doing, but if we get complaints from neighbors, we're going to bust you. If we hear about you ripping off addicts, we're going to bust you. If we hear about violence here, we're going to bust you. If you get too big for your own good, we're going to bust you. But if you maintain a small, discreet, low-key business, serving people in the neighborhood, not bringing in people from outside, without complaints, you're our lowest priority." If you can do that policy without the cops getting corrupted — that seems to me a very sensible policy.

LEN: Is that policy working in practice?

analytical aspect to this, in that Americans need to recognize the extent to which drug prohibition is responsible for most of what they identify as drug problems. That's the real power of the analogy. We are living with the successors to Al Capone.

When we think about the alternatives to alcohol prohibition, the alternative was not a single national system. It was a tremendous diversity of state and local alternatives: dry towns, wet towns, some legalized beer, some beer, wine and hard liquor — an incredible array of policies. It's the same thing today. The alternative to our current drug policy is not one national uniform drug policy, it's a variety of local policies.

The one that the prohibitionists are most reluctant to acknowledge, but which is very true, has to do with the foreign experience. When the U.S. went to alcohol prohibition, many foreign countries had very vigorous temperance movements also pushing for prohibition. They looked at us and said, "We're not going to go that way." What they did instead was they enacted tough anti-alcohol policies, but still allowed it to be legal. They taxed the hell out of it. They proselytized against alcohol. They restricted the hours for pubs and bars to be open. What happened? First, they dramatically reduced alcohol abuse and alcohol-related ills more than the U.S. did with Prohibition. They did it by putting billions of dollars, equivalent dollars, into the hands of public treasuries as opposed to the hands of Al Capones. They did not generate massive alcohol prohibition crime connections. And they sustained those reductions in alcohol abuse and alcohol ills much longer than the U.S. did.

What this says to me is that a tough regulatory model can be more effective than prohibition, not just in reducing drug-related crime, but also in reducing drug use and drug-related illness. That's a very important point because it addresses the people who say that if we legalize or decriminalize, drug use is going to go up dramatically. Here's this powerful historical example which shows that in fact regulation can be more successful than prohibition in keeping drug use and abuse low.

Moore:

Misperceptions of Florida's 'visitor' crime

By James T. Moore

Regrettably, Florida has experienced more than its share of highly publicized tragedies involving visitors to the state. These events, highlighted by national and international media coverage, have given the impression to some that Florida is a dangerous place to visit.

Like many states, Florida has experienced a crime problem that requires strong, consistent and constant action. There are too many crime victims, resident and visitor. While protecting the public must be our first priority, the perception of Florida as an unsafe state is an additional concern that must be recognized and addressed.

This undeserved perception clearly jeopardized the jobs of thousands of our citizens employed in the tourism business who become, in effect, secondary victims of the criminal acts taking place. Tourism, which annually generates billions of dollars in revenue, is by far the state's largest industry. In fact, Florida tourism did experience small declines in 1993 and 1994, most of attributed to the image of Florida as an unsafe destination.

Recent reports indicate that the Florida tourism industry has rebounded strongly, with last year's growth spawning thousands of new jobs. But the issue of crime as it relates to tourism cannot be ignored. While in no way belittling the devastating personal which some individuals and families have suffered, it is necessary to examine the total experience of all visitors to the state as it relates to crime and attempt to delineate between the perception and the reality.

In 1995, Florida hosted an estimated record 42 million visitors — up from approximately 40 million in 1994. This number includes tourists

(James T. (Tim) Moore is the Commissioner of the Florida Department of Law Enforcement.)

and visitors from across the United States and around the world. Complete crime data for 1995 are not yet available, but in 1994, only .07 percent of these visitors were the victims of crime. And, from the total of visitors, only .006 percent were physically injured as a result of their victimization. Of the total reported victims of crime in Florida in 1994, less than 2.5 percent were non-residents, down from a high of 3.7 percent in 1990. These figures emphasize that the vast majority of Florida's visitors do not become the victims of any criminal activity during their stay.

It is apparent from these figures that non-residents (defined as individuals without a Florida address) make up a very small portion of Florida's total crime victims. In addition, based on Florida Department of Commerce figures, tourists from other countries make up an even smaller part of the nonresident total. And while the total number of crime victims has risen over the five-year period from 1990 to 1994 (as has the population of the state), the number of victims who have been nonresidents has declined from 37,949 in 1990 to 28,089 in 1994, a 35 percent decrease. In 1995, moreover, we saw a reduction in the total number of victims of crime.

Accompanying the decline in visitor victimization has been a decline in the number of non-residents being injured during these criminal incidents. In 1990, 2,907 nonresidents were injured

during criminal acts, by 1994, that number had dropped to 2,429, a reduction of more than 16 percent. Since 1990, fewer nonresidents are becoming crime victims in Florida, and fewer still are sustaining a physical injury from the criminal acts.

In recent years, the Florida Department of Law Enforcement has reported a victimization breakdown by residence for the crimes of murder, forcible rape, forcible sodomy and forcible kidnapping. (In Florida, the last three offenses listed make up the Crime Index category of Forcible Sex Offenses.) All these categories of nonresident victimization show reductions in the numbers and the rates since 1990. Although there are

ida's violent-crime rate decreased by more than 13 percent. The volume has declined from 160,554 incidents in 1990 to 150,208 in 1995, a drop of more than 6 percent. The year 1995 reflects the largest drop in reported Index crime since 1983.

Perhaps the most dramatic decline in violent crime occurred in murders, which were down in actual numbers and rate. The actual count for murders has declined almost 26 percent from 1990 to 1995. Compared to 1994, murders were down almost 11 percent and are the lowest since 1978. The 1995 murder rate per 100,000 population dropped 12 percent from 1994 and is the lowest rate since 1971, the first year the FDLE began keeping records.

Robbery, perhaps the crime that, after murder, most concerns visitors to Florida, has shown a steady decline in rate (27.5 percent) and number (22 percent) since 1990. Robberies went down almost 7 percent in 1995 from the previous year, representing the fewest incidents since 1985 and the lowest rate since 1984. The streets are being made safer.

The Index crime rate per 100,000 population is down as well, and has been since 1991. In 1995, the state recorded the biggest single one-year drop in both reported Index offenses and Index rate since 1983. This is good news for the 14 million citizens of the state and the millions of visitors who will be our guests this year and in the future.

This is in no way an attempt to minimize the crime problem in Florida. Just because the numbers are headed down is no reason to declare victory, pat ourselves on the back and turn our attention elsewhere. We have led the 50 states for a dozen years in the rate of Index crimes. That fact cannot be easily dismissed. But two rarely discussed factors deserve emphasis when we address the issue of crime — two factors that may disproportionately affect Florida's crime numbers in comparison to other states and add to the perception of Florida as an unsafe destination.

The first factor is partially the "fault" of Florida law enforcement. Our local jurisdictions have done too good a job in their Uniform Crime Report submissions. In this, we're presented with the problem of the better we do, the worse we look. This situation is underscored by an article that appeared in a January 1995 issue of The Wall Street Journal that pointed out the absurdity of Tallahassee having a higher crime rate than New York City. Our citizens are used to a professional response from our law enforcement officers. Knowing that reported crime will be taken seriously, they don't hesitate to contact their local authorities. And once a crime is reported, it becomes part of an actual count that is submitted to the FDLE, not an FBI estimate of crime at year's end.

The second factor is the visitor influx we experience in Florida every year. As noted, we hosted an estimated 42 million visitors last year. This increases the effective population of the state and is not controlled for by the FBI when measuring the rate of crime. Accenting the problem of that influx is that while most of the visitors come to our state to enjoy the business or recreational opportunities offered, some come for purely criminal motives or end up engaging in crimes while they're here.

Crime in Florida is down and indices predict further reductions. There are many reasons for this decline and the anticipation of more success.

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Skepticism greets county overtime plan

Members of the Fairfax County, Va., Board of Supervisors are reacting cautiously to a plan by Police Chief M. Douglas Scott that would stop paying overtime to officers for daily roll call, but would make up the difference with a wage hike.

The department has come under fire in light of recent reports that, with overtime payments, four officers last year made more than Scott's \$93,400 salary. The highest paid, Harvey L. Lyles, made more than \$102,000.

Scott's plan, unveiled April 16, would ostensibly trim more than \$3 million from the \$9.3 million in annual overtime costs, but a companion pay raise of 6 percent would leave the county with a savings of less than \$19,000, according to a memo distributed to the Board.

Although some members welcomed Scott's initiative to stop overtime pay, the plan was criticized for not saving more money. Scott, however, said the savings should not amount to any-

thing, in his opinion.

"It may not reduce the expenses of the county across the board, but it does eliminate the appearance of mismanaged overtime throughout the Police Department—and there is that perception among the public that we aren't managing our overtime costs," he told The Washington Post.

Marcia P. Dykes, president of Citizens for Sensible Taxation and a frequent critic of county spending, said: "We're playing games again. I don't see how this is going to solve the problem. It's not hitting upon the excesses of overtime that let officers earn \$98,000 a year."

At its current pace, the county government's overtime payments will total \$26.6 million for the fiscal year that ends June 30—a 75-percent increase in just four years. The money, which goes to police, firefighters and sheriff's officers, is a bigger percentage of payroll costs for the county than it is for other local governments.

About one-third of police overtime costs are attributable to daily roll call. Many officers, said Scott, have come to see overtime pay for routine activities like roll call as a "part of their contract."

Among the other activities that use up overtime funds is pay for walking and feeding K-9 unit dogs. Officers are also paid to provide security at football games and basketball games.

Thus far, Scott's plan has won the support of only one rank-and-file group, the Fairfax County Police Association. Other police groups, such as the Fairfax Coalition of Police, the main union, and the Black Officers Association, have withheld their endorsements because they fear the 6-percent increase will not cover the elimination of daily roll-call overtime.

Under Scott's plan, officers would agree to work an 8-1/2-hour shift but not request overtime for the extra half-hour they spend each day at roll call.

"It's not like they've really given

us anything. It's basically just to get the issue of overtime off the table," said Mark S. Culin, president of the police association.

At a recent budget hearing, about 500 uniformed Fairfax police officers crowded in, demanding that their pay be exempted from budget cutting. "We are willing to lose positions if we absolutely must, but we are—of one mind that no pay or benefit erosion is

acceptable," said police union President J. D. Fowler.

County Police Det. Richard L. Weeks, who made \$98,000 last year, said the overtime was essential to meet the costs of sending his two children to college. Weeks, a divorced father of three, said he does not live a luxurious lifestyle. "It's not like I'm taking this money and going out buying a new sports car," he said.

Forum:

'Visitor' crime in Florida

Continued from Page 12
including actions taken by the Legislature and government of the state and localities, law enforcement and private citizens. This combined effort has proven itself viable. The numbers show that. We must make sure that this cooperation continues, so that it may be used to address other problem in the criminal justice field. It doesn't make too much sense to expect purely local solutions to crime when crime is often

multijurisdictional, and when criminals and their victims can come from, and return to anywhere.

Some have complained of the attention received by crimes against visitors. They point out, with some degree of justification, that criminal acts which occur daily in their neighborhoods with little notice receive worldwide publicity when outsiders are involved. There may be a reason for this special attention. Today, as

throughout history, many cultures believe that a special onus is assumed when inviting a guest into one's home, and that guest becomes the host's responsibility. This belief carries over when we invite a visitor to our state. However, be assured that any actions we take to address crime against visitors can only help to alleviate the problems presented by crime to all of us, visitor and resident alike. Our goal is to make Florida safe, period.

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Survey samples chiefs' views on drugs

Front-line thinking on the drug war

How the police chiefs in selected localities responded to some of the questions posed by the Police Foundation/Drug Strategies survey:

"It is the worst plague this country has."

—Large Eastern city

"Our current drug war has failed! We need a radical shift in our attitude — left or right, either will work. This middle ground is killing us economically and morally."

—Small Southern town

"We need a balanced approach: enforcement and demand, education and treatment. Enforcement should go to the suppliers, not the users; users need to be put in treatment."

—Large Midwestern city

"We need to stand back and rethink our approach. The approach should not be based fundamentally on locking people up, but should be based on bringing them up right. It's about making sure people are raised right from the beginning."

—Large Southern city

"More emphasis has to be placed on the early stages of prevention. Prevention starts with the family, instilling values within the family. People need to be taught right from wrong, and we need family members to look after them. Prevention begins in the home."

—Large Midwestern city

"We need a complete overhaul of our social environment. Why are we rewarding people to do the wrong thing?"

—Large Southern city

"We need a Federal drug strategy. There's too many agencies working on the drug problem but not working together."

—Medium-sized Southern city

"We need to send home the message that it is a community problem. Look at the community and build a holistic approach to crime prevention. It is a social issue and a crime issue. We need to arrest and prosecute, but have a better approach to how it is carried on."

—Small Western community

"It's all been said before, and no one apparently listens."

—Small Southern town

"The best law enforcement can do is hold the line."

—Large Southern community

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either as a public health or crime problem.

Twenty-one percent of the chiefs believe a greater law enforcement effort is required to deal with the drug problem, but nearly half, or 47 percent, said more resources are needed to improve education, prevention and treatment. Big-city chiefs said a balanced approach to fighting drugs is most often stymied by a lack of treatment slots and limited resources for school-based prevention programs. Chiefs in medium-sized cities and small towns said limited resources for law enforcement

hampered anti-drug efforts.

The chiefs also reported a wide variety of approaches that their agencies have taken against drugs. More than 90 percent said their agencies engaged in drug education programs in public schools; 80 percent deploy officers in "buy-bust" operations and support neighborhood watch and community policing programs.

A majority of chiefs in medium and large cities said they use civil code violations to shut down crack houses and other drug-selling locations and also have organized crime units with drug enforcement responsibilities.

Big-city chiefs know "the system does not work to deal with this problem effectively alone," said Williams. "They're saying that other institutions, agencies and disciplines must come together to work on this problem. I think [their responses] indicate a level of growth and sophistication on how to deal with a very complex problem."

"We're most capable of dealing with problems we can see, that are identifiable — criminals that we see selling drugs," Williams added. "What we can't deal with is the addiction to the drug that drives [users] them to go back at it again and again."

Expert sees lessons in latest Calif. hot-pursuit beating case

Continued from Page 1
ment and sparked protests against police brutality staged by civil-rights groups and Mexican-American and other minority advocacy organizations. The FBI has opened an investigation into whether civil rights violations may have occurred. Martinez and González-González have filed multimillion-dollar lawsuits against Riverside County officials.

Alpert said Border Patrol officers who were initially involved in the pursuit did the right thing by backing off when they did, noting that the agency had adopted restrictive pursuit policies following several deadly chases.

"Once the pursuit became out of policy, they terminated it," he said. "They did, according to their policy, what they should have done. Their policy doesn't allow them to chase suspected aliens."

Supervisory Agent Ronald Henley, a spokesman for the Border Patrol's San Diego Sector headquarters, told LEN that the agency's restrictive pursuit policy "hinges around the safety of all concerned. . . . The parameters as to whether to continue a pursuit or not are very narrow. The basic rule of thumb is whether there's an endangerment to the person we're pursuing, the

agent involved in the pursuit or to the public."

Alpert also cited an incident last month in South Carolina in which a Highway Patrol officer was seen on videotape violently abusing a female motorist. The officer, identified as Lance Cpt. W.H. Beckwith, pulled his gun, dragged the woman from her car, screamed obscenities at her and threatened to cut off her clothes. Beckwith, whose actions were recorded by a video

camera in his unmarked car, was fired and the state Legislature is now considering a ban on the use of unmarked cars.

Police agencies can learn from both incidents, Alpert said. "I hope they will have an effect where officers will be trained to understand that this kind of thing will occur, that they will have an adrenaline rush and will go through physiological changes, and that these need to be controlled," he said.

To keep the peace, LAPD spiced things up with some Mexican flavor

Continued from Page 1
coordinated by Carlos Duran, an administrator at the University of Guadalajara who helped set up the trip. He said knowledge of cultural differences can help prevent simple misunderstandings from blowing up into violent confrontations.

For example, Duran noted, Mexican motorists tend to get out of their cars as soon as they are pulled over by police — an action that most U.S. police officers see as ill-advised, if not downright dangerous. "Being aware of this could save a lot of problems," he said. "Sometimes there is tension when there doesn't need to be."

The \$23,000 cost of the trip was through donations and private funds, said Kroeker, who hopes the forays

into Mexico will become a permanent part of the Police Department's program roster.

One of the officers using his newly acquired knowledge and language skills is Fred Miller, a community relations officer in South-Central Los Angeles, where tensions between blacks and Hispanics have been high. He says his participation in the course has already brought him closer to the area's Spanish residents and have helped him defuse a number of potentially explosive conflicts.

"I thought they really were anti-police," Miller said of his perceptions of the newcomers prior to taking the course. "They seemed to avoid me when I was in the neighborhood and they never went to any of our community meetings. You begin to wonder if they're hiding something. . . . These folks want to live in a peaceful community as much as anyone else. I just wasn't getting their side of the story before."

Al Robles, chairman of the Los Angeles Police Commission's Hispanic Advisory Council, said that while the program's intentions may be good, officers might learn a lot more about Latino life in Los Angeles by making frequent visits to the city's barrio districts.

"There is a marked difference between life in Mexico and life in South-Central or East Los Angeles," he told The Times. "You cannot transpose the unique experiences these different areas offer and say you 'understand' Latinos here better. You can't expect the reputation the LAPD has established in these areas to go away just because some of them went to Mexico."

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3-7. Homicide Investigation. Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$495.

3-7. Undercover Drug Enforcement Techniques. Presented by the Institute of Police Technology & Management Jacksonville, Fla. \$525

3-7. Verbal Judo — Train the Trainer. Presented by the Institute of Police Technology & Management. Jacksonville, Fla. \$525

3-14. Scope Rifle Instructor. Presented by Hocking College. Nelsonville, Ohio

3-14. Advanced Traffic Accident Investigation. Presented by the Institute of Police Technology & Management Tallahassee, Fla. \$695.

3-28. School of Police Supervision. Presented by the Southwestern Law Enforcement Institute. Dallas. \$595/\$750.

5-6. How to Succeed in the Security Profession: Marketing Yourself or Starting a Business. Presented by the Executive Protection Institute Chicago. \$375

5-7. Crime Stoppers Basic. Presented by the Institute of Criminal Justice Studies Galveston, Texas. \$59.

5-7. Turning Lions into Lambs: Dealing with Difficult People. Presented by Rollins College. Orlando, Fla. \$325

6-7. Drug Interdiction. Presented by Hutchinson Law Enforcement Training, LLC Braintree, Mass.

6-8. 8th National Conference on Children & the Law: "Achieving Justice in Child-Related Conflicts." Presented by the American Bar Association Arlington, Va. \$250.

8. Successful Promotion: A Personal & Career Development Seminar. Presented

by Davis & Associates Anaheim, Calif. \$125

10-12. FitForce Coordinator Course. Presented by Fitforce Albany, Ga

10-12. Confronting Multiple Assailants. Presented by Modern Warrior Defensive Tactics Institute. Lindenhurst, N.Y. \$300

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10-28. Basic Correctional Officer Training for Jail Staff. Presented by Hocking College. Nelsonville, Ohio.

12. Counteracting Terrorism. Presented by the American Society for Industrial Security, Washington, D.C., chapter Arlington, Va. \$100.

12-13. Police Background Investigations. Presented by Hutchinson Law Enforcement Training, LLC Stratford, Conn

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17-19. FitForce Coordinator Course. Presented by Fitforce. Austin, Texas

17-20. Community Policing in Law Enforcement Organizations. Presented by Pennsylvania State University University Park, Pa. \$470.

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18-20. National Youth Gang Symposium. Presented by the National Youth Gang Center Dallas. \$175

19-21. Fraud Investigations. Presented by Rollins College. Orlando, Fla. \$275

24-26. FitForce Coordinator Course. Presented by Fitforce. Aspen, Colo.

24-26. Drug-Trak IV Training. Presented by the Institute of Police Technology & Management Jacksonville, Fla. \$395

24-28. Inspection & Investigation of Commercial Vehicle Accidents. Presented by the Institute of Police Technology & Management Tallahassee, Fla. \$495

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1-3. Shotgun Instructor. Presented by Hocking College. Nelsonville, Ohio

7-8. ASP Baton Instructor. Presented by Hocking College. Nelsonville, Ohio

8-11. Police/Media Relations. Presented by the Institute of Police Technology & Management Jacksonville, Fla. \$495

8-12. Bloodstain Evidence II. Presented by

the Northwestern University Traffic Institute Evanston, Ill. \$650

8-12. Annual Training Seminar for Law Enforcement Chaplains. Presented by the International Conference of Police Chaplains. San Jose, Calif.

8-12. Seminar for the Field Training Officer. Presented by the Institute of Police Technology & Management Jacksonville, Fla. \$495

8-12. Pedestrian/Bicycle Accident Investigation. Presented by the Institute of Police Technology & Management Miami, Fla. \$495

8-12. Photography in Traffic Accident Investigation. Presented by the Institute of Police Technology & Management Tallahassee, Fla. \$550

8-12. Managing Criminal Investigators & Investigators. Presented by the Institute of Police Technology & Management Jacksonville, Fla. \$495

10-12. Crime Prevention through Environmental Design. Presented by the National Crime Prevention Council. San Francisco. \$299

14-18. Vehicular Homicide/DWI Conference. Presented by the Northwestern University Traffic Institute Chicago. \$400

15-19. Symposium for the School Resource Officer. Presented by the Institute of Police Technology & Management

Jacksonville, Fla. \$495

15-19. Implementing & Managing Community Oriented Policing. Presented by the Institute of Police Technology & Management Jacksonville, Fla. \$495

15-19. Semi-Auto Pistol. Presented by Hocking College. Nelsonville, Ohio

15-19. Police Motorcycle Instructor. Presented by the Northwestern University Traffic Institute Milwaukee. \$999

15-26. At-Scene Traffic Accident/Traffic Homicide Investigation. Presented by the Institute of Police Technology & Management St. Petersburg, Fla. \$595

16-17. Confidential Informant Operations. Presented by Hutchinson Law Enforcement Training, 11 C New Braintree, Mass.

16-19. 7th Annual Crimes Against Children Seminar. Presented by the Dallas Children's Advocacy Center Dallas

17-19. Community Policing Issues. Presented by the Institute of Criminal Justice Studies Dallas/Fort Worth. \$95

20. Successful Promotion: A Personal & Career Development Seminar. Presented by Davis & Associates. Anaheim, Calif. \$125

22. Use-of-Force Liability Risk Reduction. Presented by Hocking College. Nelsonville, Ohio

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Say no to drugs:

The war on drugs, that is.



A new survey finds police chiefs wondering whether there might not be a better way to control drugs. **Page 1.**

And, in a candid LEN interview, drug-policy reformer Ethan Nadelmann tests the law enforcement lion's den to make a case for drug-control alternatives. **Page 8.**

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